



Somerset County Economic Development Council

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jboland@scedc.net

www.scedc.net

R03-21-A-002

October 23, 2020

Gianna Rosati

Rosati.Gianna@epa.gov

1650 Arch St.

Mail Code 3HS51

Philadelphia, PA. 19103

Dear Ms. Rosati:

This is to serve as the cover letter to our application for funding from the U.S. Environmental Protection Agency's Brownfield's Cleanup Grant.

1) Applicant Identification: Somerset County Economic Development Council

125 N. Center Ave.

Somerset, PA. 15501

2) Funding Requested:

a. Grant Type: Coalition

b. Federal Funds Requested:

i. \$600,000

ii. Not requesting a site-specific waiver.

3) Location:

Somerset County Economic Development Council

1. Somerset County, PA.
2. Somerset Borough, PA.
3. Somerset Township, PA
4. Meyersdale Borough, PA.
5. Windber Borough, PA.
6. Paint Township, PA.
7. Brothersvalley Twp., PA.
8. Quemahoning Twp., PA.

Coalition Member - Somerset Borough, PA.

- Somerset Borough, PA.

Coalition Member – Somerset, Inc.

- Somerset Borough, PA.

Coalition Member - Redevelopment Authority of Somerset County, PA.

- Somerset County, PA.

4) Property Information:

Not applicable

5) Contacts

i) Project Director

Joshua Boland

Executive Director

814-445-9655

jboland@scedc.net

125 N. Center Ave.

Somerset, PA. 15501

ii) Chief Executive

Joshua Boland

6) Population

i)	Somerset County, PA.	73,447
ii)	Somerset Borough	5,855
iii)	Somerset Township	12,294
iv)	Meyersdale Borough	1,892
v)	Windber Borough	3,971
vi)	Paint Township	3,105
vii)	Brothersvalley Twp.	2,398
viii)	Quemahoning Twp.	1,949

7) Other Factors Checklist.

- Community population is less than 10,000 – See above and Page 4 of Narrative.
- A priority brownfield site is impacted by mine-scarred land – Page 1 of Narrative.
- A priority brownfield sites(a) are contiguous to a body of water – Coxes Creek – see Page 1 and 5 of Narrative.
- The priority site(s) is in a federally designated floodplain – See Page 5 of Narrative.
- The reuse of priority sites will facilitate renewable energy and incorporate energy efficient measures – See Page 3 of Narrative.
- 30% or more of the overall project budget will be spent on eligible reuse planning activities for priority brownfield sites within the targeted area - See Page 8 & 9 of Narrative.

8) Letter from the State or Tribal Environmental Authority – Attached.

Thank you for your consideration.

Sincerely,



JOSHUA E. BOLAND | Executive Director

Somerset County Economic Development Council

W. 814.445.9655 | M. 814.483.1642 | www.SCEDC.net



October 15, 2020

Josh Boland
Executive Director
Somerset County Economic Development Council
125 North Center Ave.
Somerset, PA 15501

RE: U.S. EPA Brownfields Grant Proposal | State Letter of Acknowledgement
Somerset County Economic Development Council
Somerset County, Pennsylvania

Mr. Boland:

The Pennsylvania Department of Environmental Protection (DEP) is pleased to support your efforts to redevelop brownfield properties in your community. Returning underutilized lands to productive use improves our environment, safeguards our residents, and helps boost Pennsylvania's economy.

The DEP supports Somerset County Economic Development Council's (SCEDC) application for a \$600,000 Brownfields Community-wide Assessment Grant from the U.S. Environmental Protection Agency (EPA). SCEDC is leading a Coalition comprised of the Borough of Somerset, Somerset, Inc., and the Redevelopment Authority of Somerset County. The grant will fund both Phase I and Phase II site assessments on selected sites in Somerset County, with a focus on the Borough of Somerset including its Federal Opportunity Zone. In addition, the grant will fund several reuse plans on selected targeted sites.

If you have any questions, please contact John Gross by email at johngross@pa.gov or by telephone at 717-783-7502.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Conrad".

Troy Conrad
Director
Bureau Environmental Cleanup and Brownfields

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION

1a. Targeted Area and Brownfields

1(a)(i) Background and Description of Target Area

The applicant, Somerset County Economic Development Council (“SCEDC”) serves all of Somerset County, Pennsylvania, which is about 60 miles southeast of Pittsburgh in the Laurel Highlands. Our Coalition is comprised of three Members - Somerset Borough, Somerset, Inc. (a 501(c)(3) non-profit organization), and the Redevelopment Authority of Somerset County. The entire County would be eligible under this Assessment Grant, as we are experiencing an unemployment rate approaching 14% due to COVID. However, all Coalition Members will target the Borough of Somerset, as it is the County seat, it sits just off the PA. Turnpike Exit 109, and is the “face” of Somerset County for many visitors. Somerset also has several distressed brownfield properties that are a blight on this Borough; they are also in or adjacent to the only Federal Opportunity Zone in our County. All but one of our priority sites are in Somerset Borough and adjacent Somerset Township.

Somerset County is blessed with beautiful scenery - mountains, rivers, whitewater, trails, and more. The Flight 93 Memorial is also in Somerset County, located about 25 miles north of the Borough of Somerset. Consequently, one of our economic strengths is the hospitality and tourism industry including Seven Springs Mountain Resort. Hospitality and tourism accounts for 11% of County employment, compared to 9% in the State, and we believe there is further growth potential. Because of our resources that sit below the ground – natural gas and coal, we also have a mining and gas extraction industry which is currently in a severe recession due to COVID. Because of the skills of the local workforce and our location on the PA. Turnpike (Interstate 76), we have a strong distribution and construction sector. Together, the natural resources industry, construction, manufacturing and trade and distribution account for 63% of County employment, compared to 46% in Pennsylvania. It is a community with strong blue-collar roots, and there is room for growth in several of these sectors, particularly specialty equipment manufacturing and (post COVID) tourism/hospitality.

1(a)(ii) Description of Brownfield Sites.

The recent decline in natural resources extraction and the industries that serve them, along with retrenchment in the manufacturing sector has left a legacy of industrial brownfield sites in our County. The resultant decline in disposable incomes led to blighting conditions in the housing stock and commercial business district, particularly in the Borough of Somerset. **Site #1** has suffered fires on many of its 1960’s-era house trailers, and the charred remains still stand there. **Site #2**, adjacent to **Site #1**, has sat vacant for many years. Together, they present 28 acres of contiguous blighted property in the heart of our targeted area. **Site #3** is a former recycling center that suddenly abandoned operations and materials are everywhere. **Sites #4** threaten potential petroleum vapor intrusion in a dense neighborhood. **Site #5** may generate issues of acid mine drainage. **Sites #6 & 7** generate immediate environmental threats to Coxes Creek. These priority sites were selected because they are either in or adjacent to the Somerset Opportunity Zone or present immediate environmental threats.

	Site	Size	Location	Past/Current Land Use	Site Conditions	Potential Environ. Issues
Priority Sites						
1	Distressed Trailer Park	13	Somerset	Trailer Park	charred remains	asbestos, lead & kids
2	& adj. Maple Ave. Site	15	Somerset	vacant industrial	distressed industrial	soil & groundwater
3	Former Recycling Center	17	Somerset Twp.	tax delinquent	scrap everywhere	soil & groundwater
4	Uptown Auto Sites	3	Somerset	Business District	buildings > 70 years old	vapor intrusion
5	Former Coal Mine	781	Paint Twp.	coal production	acid mine drainage	acid impact on streams
6	Rail Siding Site	6	Somerset Twp.	industrial	adjacent to Coxes Creek	oil migration into creek
7	Center Ave Industrial	12	Somerset Twp.	industrial	adjacent to Coxes Creek	oil migration into creek

Other Sites with Reuse Potential						
8	Former Shoe Factory	1.5	Somerset	manufacturing	adj. to Somerset H.S..	off-site migration
9	**Press Bldg-printing press	0.5	Somerset	printing/office	buildings > 70 years old	vapor intrusion
10	1245 N. Center retail	4	Somerset T.	vacant retail	buildings > 70 years old	asbestos, lead
11	1029 S.Center scrap Y.	3	Somerset T..	industrial	adjacent to water plant	migration -water plant
12	Wood Products Plant	3	Meyersdale	manufacturing	industrial/residential	off-site migration
13	Sixth Ave. Man. Site	7	Meyersdale	manufacturing	adjacent to residential	off-site migration
14	100 Polacek Place	3	Windber	industrial	residential/retail	off-site migration
15	Former Scrap Yard	12	Brothers V. T.	industrial	rural	soil & groundwater
16	Former Equip. Manuf.	33	Quemahoning T.	industrial	Rural	soil & groundwater
TOTAL		914				

At the same time as we pursue the priority sites, given our current high unemployment, we want to be responsive to market opportunities. We also include the above inventoried sites as reuse opportunities, particularly in the manufacturing sector with its high employment multiplier. See Section 1(b)(ii).

1. (b) Revitalization of the Target Area.

(b)(i) Reuse Strategy and Alignment with Revitalization Plans

Somerset County is part of the regional six-County Southern Alleghenies Regional Planning Commission. Together, in 2018, we completed a Comprehensive Plan (the “Plan”) (<https://allegheniesahead.com/related-reports-plans>). An overarching theme of that Plan was attracting and retaining a younger workforce and land use planning to accomplish that goal. According to the Plan in the Year 2000, 10% of Somerset County’s workforce was over 55. By 2015, it was close to 30%, compared to around 10% statewide and nationally. The County’s birth rate per 1,000 is 9.3 versus 11 for the State and 12.3 for the U.S. One third of all homeowners are over 65. The Plan identifies several goals designed to generate a younger workforce that directly involve land use planning and brownfield redevelopment:

Goal #1. Continue to diversify the economy through small business development and create existing and new facilities for small businesses and entrepreneurs.

Goal #2. Remove blighted properties (either through demolition or redevelopment) and stimulate the production of new market-rate housing on these properties to attract and retain younger households.

Goal #3. Increase tourist spending in the local economy by targeting reinvestment in the Borough’s Central Business Districts. There are over 4.5 million visitors to the Laurel Highlands, a region that includes Somerset, Fayette, and Westmoreland Counties. In 2019, travel bloggers (see TravelLemming.com) voted the Laurel Highlands one of top 30 emerging destinations in the world!

Goal #4. Cleanup and repurpose former coal mine land as acid mine drainage impacts both water quality and tourism.

To advance **Goal #1**, SCEDC completed a Market Analysis of Somerset County’s Industrial Sector. The Study recommended the development of smaller units of industrial space – 1,000 to 25,000 sq.ft. for growing young companies that are not ready to commit to buying/constructing their own facility. SCEDC (either itself or with a private investor) is planning to purchase and redevelop **Site #3** into a multi-tenant industrial incubator. Several other sites in our inventory are candidates for new job creating uses by local growth industries including specialty equipment manufacturing and distribution. To advance **Goal #2**, SCEDC together with its Coalition Member - the Redevelopment Authority of Somerset County, is moving forward with the acquisition and redevelopment of **Sites #1&2**. To advance **Goal #3**, SCEDC together with Coalition Members, the Borough of Somerset, and Somerset, Inc., is planning reinvestments in the Somerset Central Business District including **Sites #4&9**. To advance **Goal #4**, SCEDC has identified a large former coal mine **Site #5** with a cooperative owner as candidate for assessment, cleanup, and reuse as a solar farm.

1. (b)(ii) Outcomes and Benefits of Reuse Strategy

Along with the environmental assessment work, SCEDC would also complete Reuse Plans for several priority projects noted above. The combination of environmental assessment, reuse planning, cleanup where necessary, and reinvestment will generate significant benefits for Somerset County. With all projects, we will incorporate or encourage energy efficient design including such items as selecting insulation and windows that reduce the transfer of heat and positioning buildings to maximize solar exposure. The following outlines these benefits according to the Goals described above:

Goal #1: Sites #3, 6, 7, 8, 11,12,13, 15, & 16 – add up to approximately 94 acres. These sites are candidates for light industrial development including warehousing and distribution and expansion of a growth niche industry (specialty equipment & truck assembly). Based on our industry experience of 30,000 sq.ft constructed on each 10 acres, we project approximately 300,000 sq.ft of new industrial development over the foreseeable future. Based on our industry experience of 1 job created for 1,000 sq.ft., we project approximately 300 new jobs on these sites. According to the Economic Policy Institute, manufacturing and distribution jobs generate an average employment multiplier of roughly 5 to 1. That is, these 300 jobs would generate another 1,500 jobs through the spending of the company with suppliers and the spending of employees with their paychecks.

Goal #2: Sites 1#2 – the 13-acre trailer park is in deplorable condition and a health hazard (See Section 2(a)(ii)(1). Along with the adjacent **Site #2**, our vision is the redevelopment of 28 acres into approximately eighty for-sale starter homes on this Opportunity Zone property at a total investment of over \$20 million.

Goal #3: Sites # 4, 9, & 10. These sites do not add up to large acreage or square footage (approximately 25,000 sq.ft.), but they are in or adjacent to the Somerset Central Business District. Redevelopment of these sites advances the sustainable reuse of existing structures and maintains a walkable sense of “Place” in the community. Their reuse is important for creating a vibrant Business District that will attract employers, younger workers, and tourists. Their redevelopment would also have a strong spillover effect on the District. We project investment of \$5 million and 50 direct jobs created in these Opportunity Zone properties.

Goal #4: Site 5. We are working with the owner of this large former coal mine on developing a large-scale solar farm at this site. Based on a rough industry standard of 8 acres/megawatt, this solar farm could generate up to 100 megawatts for the electric grid.

1.(c) Strategy for Leveraging Resources. 1(c)(i). Resources Needed for Site Reuse

SCEDC and its Coalition Members and Partners are in process of leveraging public and private resources for this effort. We received a great jump-start recently. The Pennsylvania Department of Community and Economic Development (“PADCED”) awarded our Coalition Partner, Somerset, Inc. a \$1.8 million Neighborhood Partnership Program (“NPP”) award. This award provides State tax credits to private dollars invested in community projects. It provides a source of funding – particularly for **Goal #3** projects listed above. The sources of private dollars for the tax credits include several partner organizations – Somerset Trust, UPMC Somerset, and Global/SFC Valve (See Section 2(b)(i)). The NPP grant will work “hand in glove” with our Assessment Grant Award. For example, Assessment Grant funds can be used to complete a reuse study of the **Sites #4,9, & 10** in downtown Somerset and complete asbestos and lead paint studies. The NPP award will be used to acquire the properties and complete “core and shell” renovations.

The NPP Award is just the beginning. For the **Site #3** incubator, we will pursue funding from the U.S. Economic Development Administration and/or U.S. Department of Agriculture, Appalachian Regional Commission, Community Foundation of the Alleghenies, and the State Business in Our Sites Program among others. For the remainder projects identified with **Goal #1**, we will pursue private owners and or investors and complement this investment with State programs such as the Pennsylvania Industrial Development Authority. For the **Goal #2** project, we will pursue Federal Home Loan Programs and State PA. Housing Finance

Programs with the potential to add Community Development Brock Grant funding. For **Goal #3** projects, in addition to the NPP Award, we will pursue Federal Historic Tax Credits, and Federal Opportunity Zone investment. For the **Goal #4** project, former coal mine, we will pursue Pennsylvania Department of Environmental Protection Funding (“PADEP”) Abandoned Mine Lands funding.

For all of our sites and particularly for the Federal Opportunity Zone sites, the goal of our reuse planning effort is to attract private investment dollars that we will complement with the public programs described above. We have a strong network to do that as evidence by our NPP Award. Finally, where clean up is needed on sites, we will work with the State Industrial Site Reuse Program. (“ISRP”) as well as the U.S. EPA Cleanup Grant to leverage funds for cleanup.

(c)(ii). Infrastructure Reuse.

All of our sites (with the exception of **Site # 5** - the coal mine) are serviced by existing water, sewer, electric, and gas, along with public roads. These existing grids and networks will avoid the need for new costly public infrastructure. The planned reuse of **Site #5** as a solar farm will require minimum infrastructure service. To redevelop **Sites #1&2**, new private laterals may have to be extended to the site from the public roads. To finance the private infrastructure at these sites, we will look to a variety of State infrastructure programs including the State Infrastructure Bank, State H2O Program, the Infrastructure Facilities and Improvement Program, and the Multimodal Transportation Fund. On all remaining sites, we do not anticipate the need for public or private infrastructure upgrades or improvements. Also of note, several of our industrial sites have rail service which is up to nine times much more energy efficient than trucking, according to the U.S. Department of Transportation. Redevelopment of all the sites in our inventory also preserves green space and agricultural space which are important to both our agricultural and tourist industry. We can develop several hundred thousand square feet of new structures on these **Sites**, without losing an acre of agricultural land or greenspace.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

2.(a) Community Need.

2. (a)(i) The Community’s Need for Funding

Somerset Borough is poor in relation to the County and the County is poor in relation to the State and country.

	Somerset	Somerset County	Pennsylvania	U.S.
Population	5,855	73,447	12,801,989	328,239,523
% change since 2010	-6.7%	-5.5%	0.8%	6.3%
Poverty Rate	21.2%	12.0%	12.0%	10.5%
Median Household Inc.	\$44,375	\$48,221	\$59,445	\$60,293
% over 65	20.6%	23.0%	18.7%	16.5%
Unemployment	10.0%	5.2%	3.9%	3.7%

NOTE: Data except unemployment are from 2019 U.S. Census Community Survey at <https://census.gov/quickfacts/fact/table>.

NOTE: Unemployment data are only available pre-COVID for Somerset Borough, so all other data is pre-COVID for valid comparison.

State Unemployment data -PA. Ctr. Workforce Info. at <https://Workstats.dle.pa.gov/Products/County/Profiles>.

Federal Unemployment from B.Labor Statistics at www.bls.gov.

Because of its small size, shrinking population, and poverty, neither the Borough nor the County have resources for brownfield redevelopment. Additionally, SCEDC is small non-profit with an operating budget of approximately \$250,000. Our Coalition Partners also have small operating budgets and do not have staff or resources for brownfield redevelopment. This Assessment Grant will enable SCEDC to dedicate resources and acquire third party professional skills to accelerate redevelopment of these brownfield sites. There is no

other available source of funds to complete this work. The State has the ISRP program, but this program is short of funds due to the pandemic, and it does not fund reuse planning.

2. (a)(ii). Threats to Sensitive Populations. (1) Health or Welfare of Sensitive Populations

Many of our sites pose a variety of environmental problems to sensitive populations, particularly **Sites #1, 5, & 7**. **Site #1**, the 13-acre Trailer Park was developed in the 1960's with approximately 100 trailer sites. Fifteen have charred remains from fires and several dozen are just falling apart. There are skeleton trailer frames and building materials lying next to occupied trailers. It looks like a war zone. The exposed shells of trailers may have asbestos or other hazardous materials with direct exposure to neighboring families, including at least 15 families with young children. Young children are prone to playing most anywhere including in these piles of rubble. The standing but vacant units can also become a haven for illegal activity, such as drug dealing.

A second threatened area includes **Sites #5 & 7** and borders both residential dwellings and Coxes Creek. These sites have piles of oil-laden casts sitting within 20 feet of the Creek, and that oil may be migrating into the groundwater. These sites are also adjacent to a floodplain, and there is potential for contaminants to enter the Creek during the floods. Coxes Creek flows right through Somerset Borough (with over 1,000 children under the age of 18) and into the Casselman River ten miles downstream. Children are always playing in this Creek. Further downstream, the Creek is a popular recreation and fishing area that is stocked with trout. These children playing and those who consume the trout (not to mention the trout) may have contaminants in their system. This U.S. EPA Grant will mitigate these threats by enabling us to assess, remediate where necessary, and redevelop these priority sites, including developing appropriate reuse plans.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions

According to the 2017 American Community Survey (www.factfinder.census.gov), 83% of the 3,299 units of housing in Somerset Borough were built before 1980. With this old housing stock comes the threat of exposure to lead and asbestos. Add this environmental condition to the stress inducing factors of high unemployment, high poverty (described above in 2(a)(i)), and it leads to high rates of disease and adverse health conditions for all, particularly the young and old. According to data compiled by the PA. Department of Health:

- 21% of County residents were in fair to poor health compared to 17% in Pennsylvania.
- County residents suffer from heart disease at 200 per 10,000 compared to 176 for Pennsylvania.
- County residents suffer from diabetes at 40 per 10,000 compared to 21 for Pennsylvania

Fortunately, Somerset County does not experience asthma, cancer or birth defects any worse than the State. (NOTE: however data is not available for the Borough of Somerset). None the less, this Assessment Grant will assess and clean up several of the brownfield properties described above that can contribute to asthma, cancer, birth defects and heart disease and diabetes experienced by County residents. For instance, cleaning up Coxes Creek, can reduce cancer rates and provide recreational opportunities that helps combat heart disease and diabetes. Site reuse also yields jobs that mitigate stress factors leading to heart disease and diabetes.

(3) Disproportionately Impacted Populations

The disinvestment in the areas near these sites become a vicious cycle of blight in the neighborhood. Those living near such properties no longer reinvest in their property, and the disinvestment spreads. Property values either do not increase or decline. For example, the 1,000 or so homeowners over 65 in Somerset Borough face the prospect of a limited retirement nest egg, because of stagnant property values caused by blight. By eliminating blighting conditions and redeveloping the Somerset **Sites**, this Grant can mitigate the wealth destroying impacts of blight. There are also disproportionate impacts to the County from our legacy of abandoned coal mines, and acid mine drainage. Fishless streams exist due to this discharge and include parts

of the Casselman River, Shade Creek, Stonycreek River, and Quemahoning Creek, as well as many of the tributaries. With this Assessment Grant, we will assess **Site#5** and further identify others. With this Grant, and perhaps future Assessment Grants, we will work to assess and leverage funds for cleanup of these mines.

2 (b) Community Engagement

2(b)(i) Project Partners (ii) Project Partner Roles

Partner	Contact – phone and e-mail	Specific Role in Project
Somerset Chamber of Commerce	Ron Aldom, Executive Director 814-445-6431 raldom@somersetcountychamber.com	Sits on the NPP Advisory Committee and will advise Somerset, Inc. & SCEDC on multiple sites in downtown Somerset.
Community Foundation of the Alleghenies	Mike Kane, President 814-225-1247 mkane@cfaalleghenies.org	Community foundation & a long-time supporter of SCEDC. Source of leverage for multi-tenant project & others.
Southern Alleghenies Planning & Development Commission	Brandon Carson 814-949-6506 bcarson@sapdc.org	Regional planning organization that sponsored the 2018 6-County Master Plan & will identify potential funding sources.
Somerset Trust Co.	Henry Cook, Chairman of the Board 814-443-9200 ghenrycook@somersettrust.com	Local bank & active supporter. Will purchase tax credits as part of State NPP Award. Also source of investment for reuse projects.
UPMC Somerset	Mark Miller, Vice President 814-443-5000 markmiller@somersethospital.com	Local hospital purchased by UPMC. NPP Sponsor & looking at expansion on adjacent brownfield sites in downtown Somerset.
Global/SFC Valve	Linda Heining, President 814-445-9671 lheining@globalsfc.com	Also NPP sponsor and looking at possible expansion on adjacent brownfield site.
Community Action Partnership for Somerset County	Lisa A. Phillips, Director 814-445-9628 lphillips@capfsc.org	Assistance with community outreach particularly on trailer park site.

As part of this proposal, SCEDC led the Coalition Members in a process that identified the listed sites. Currently, SCEDC regularly communicates (almost daily) with Coalition Members. That communication will continue regarding the management of this Grant. In addition, at least Quarterly, SCEDC will have a specific meeting with our Coalition Members to review progress.

2(b)(iii) Incorporating Community Input

SCEDC will also utilize the Coalition Members to reach out to the public throughout the management of this Grant. That is, Somerset Borough hosts public meetings monthly and the Redevelopment Authority of Somerset County (“RASC”) hosts six Countywide meetings per year and 12 regional meetings per year. SCEDC will attend those public meetings at least Quarterly to provide an update on progress and solicit comments and input. At the public meetings, sign-in sheets are used and all attendees are asked to provide contact information. All public comments will be recorded as part of the meeting minutes. SCEDC will respond to all comments in person at the meeting, as well as provide a written response via e-mail or U.S. mail. For the written response, SCEDC will organize conference calls or meetings with Coalition members to develop the response. Then, we will then incorporate these comments into our site selection and reuse plans.

We will also use the local newspaper, the Daily American, to keep the public informed and provide notice of public meetings. We will also encourage all public officials to place an announcement of the Grant and Grant progress in their newsletters/e-mails to constituents. While our County has suffered economically due to COVID, fortunately we are not currently experiencing an outbreak. None-the-less, we do practice social distancing and wear masks at the public meetings. Throughout this process, whether experiencing COVID restrictions or not, we will also diligently update our web site with project announcements and progress.

Should a COVID outbreak occur, we will have to meet remotely via Zoom or other software. However, only 64% of Somerset City residents have internet access, so we will be making arrangements with our local library to host the Zoom meeting on a library computer posted either inside in their lobby or outside on their grounds.

TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS

3. (a) Description of Tasks/Activities and Outputs (i) Project Implementation.

Note: SCEDC is forgoing the 5% administration fee, and only charging for billable hours to the Grant.

Discussion of EPA-funded activities for both priority sites and other sites:

TASK 1 - Program Management - Cooperative Agreement Oversight and Consultant Selection. SCEDC will establish a small Steering Committee consisting of our Executive Director and our Coalition Members, and our selected consulting team. The Committee will provide oversight of the Cooperative Agreement and manage the Grant. As an initial Task, we will publicly solicit Qualifications, rank responses according to those Qualifications, and select consultants with the highest score(s). The team will consist of a Qualified Real Estate Professional/Program Manager (QREPM) to assist with reporting and site selection, Qualified Environmental Firms (QEFs) to conduct environmental assessments, and Qualified Planning Firms (“QPFs”) to develop Reuse Plans.

TASK 2 -Community Engagement/Site Selection. Our Steering Committee will seek input from our many stakeholders – our Partners listed above, site owners, public officials, and others. This will include public meetings discussed above. It will also include one-on-one meetings with site owners. Our Steering Committee will weigh factors such as reuse potential, access, environmental threats; and a cooperative owner or buyer. We will only proceed where we develop a cooperative relationship with the owner/buyer or gain site control. The current inventory was selected by SCEDC through input from Coalition Members and our Partners. ***Please NOTE: SCEDC will assess a minimum of 5 sites and at least one site from each Coalition community.***

TASK 2(a) - Obtaining and Securing Site Access. For our priority Sites, SCEDC and its Coalition Members or Partners will work to secure site control by acquisition if necessary. Two of the priority sites (Site #1 & Site #3) are financially distressed properties with delinquent taxes. SCEDC is working with the taxing bodies to secure site control at minimal cost. In addition to these the priority sites, SCEDC will also reach out and maintain relations with private property owners, including those currently listed in our inventory and other sites that may emerge. Our team will not just identify a potential problem, but help resolve it, if needed, through Pennsylvania’s Land Recycling (“Act 2”) voluntary program. For a Phase II to proceed, the owner/buyer will execute the site access documents of the appropriate QEF.

TASK 2(b) - Reuse Planning. For selected priority sites, we will develop appropriate Reuse Plans. Working with our consultants, we will develop Site Assessments, Market Analysis, a Reuse Vision, Resource Roadmap, and Revitalization Plan for selected sites. Particularly in the Borough of Somerset, our goal is also to attract both Opportunity Zone investment and other resources. Through these Revitalizations Plans, we will generate renderings and plans that create vision and aggressively recruit leveraged resources.

Phase I – On our selected sites, Our QEFs will conduct Phase I Environmental Assessment according to the All Appropriate Inquiry Final Rule at 40 CFR Part 312. In addition, all appropriate inquiries will be conducted in compliance with ASTM Standards to obtain protections from liability under CERCLA.

Phase II – When our QEFs find Recognized Environmental Conditions as part of the Phase I Assessment, our Steering Committee will consider Phase II Assessments. On selected sites, the appropriate QEFs will conduct Phase II Environmental Assessments according to ASTM E1903-19. Moreover, on selected sites, we will proceed with Cleanup Plans and where appropriate guide the project to obtain the PA. Act 2 Liability Release. Together with our consulting team, we will coordinate Cleanup Plans with appropriate Reuse Plans.

3(a)(ii) Anticipated Project Schedule (a)(iii) Task/Activity Lead

Key Project Activities	Schedule	Responsibility
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TASK 1 – PROGRAM MANAGEMENT		
Completion of Work Plan & MOUs	Pre – Award	SCEDC
Public Ad & select QREPM & QEFs	3 Month of Award	SCEDC & Coalition Members
ACRES & Quarterly Reports	Ongoing	SCEDC & QREPM
Close-Out Report	36 months by September 2024	SCEDC & QREPM
TASK2 COMMUNITY PARTICIPATION, SITE SELECTION, AND REUSE PLANS	Ongoing	SCEDC & Coalition Members
Coalition & Members - Outreach	Ongoing	SCEDC & Coalition Members
Site Selections	4 months of Award & Ongoing	SCEDC & Steering Committee
Reuse Plans – site selections	6 months of Award	SCEDC & Steering Committee
Reuse Plans – select QUDFs	8 months of Award	SCEDC & Steering Committee
Complete Reuse Plans	9-24 months of Award	SCEDC & QPFs
TASK 3 – PHASE I ASSESSMENTS	4 months of Award & ongoing	QEFs
Access to sites for Phase II	6 months of Award	QEFs
TASK 4 – PHASE II ASSESSMENTS	8 months of Award & ongoing	QEFs

3(a)(iv) Outputs

Our outputs will follow in somewhat chronological order as we proceed through grant implementation:

- *Program Management*: 12 Quarterly Reports, ACRES Reporting and updates, Close-out report.
- *Community Participation*: 12 Coalition Meetings, 24 Public Meetings with Borough and RASC.
- *Site Selection/Reuse Planning*: complete site inventory, select 15 sites, complete 3 site/area Reuse Plans.
- *Phase I Assessments*: complete 15 Phase I Environmental Site Assessments (“ESAs”).
- *Phase II ESAs and Cleanup Plans*: complete 11 Phase II ESAs, complete 4 Cleanup Plans.

3(b) Cost Estimates. 3(b)(i) Development of Cost Estimates

Budget Table. SCEDC requests a Coalition Assessment Grant as follows:

SCEDC	Task 1	Task 2	Task 3	Task 4	TOTAL
Budget	Program	Comm. Inv.			
Categories	Management	Site Selection Reuse Planning	Phase I Assessment	Phase II & Cl.-Up Plans	
Personnel	\$10,152	\$25,380			\$35,532
Fringe	\$3,553	\$8,883			\$12,436
Travel	\$2,400				\$2,400
Equipment					\$0
Supplies					\$0
Contractual	\$34,632	\$200,000	\$75,000	\$240,000	\$549,632
Other					\$0
TOTAL Direct	\$50,737	\$234,263	\$75,000	\$240,000	\$600,000
Indirect Costs	\$0	\$0	\$0	\$0	\$0
Total Budget	\$50,737	\$234,263	\$75,000	\$240,000	\$600,000

3(b)(ii) Application of Cost Estimates

Task 1. Program Management and Reporting. Our Executive Director (“ED”) has management and reporting responsibilities for the Assessment Grant. His billable rate is \$35.25/hour (plus fringe benefits of 35%), and we have budgeted an average of 8 hours/month for 36 months to this Task. Because our ED has many other responsibilities, we have also budgeted consulting time of \$34,632 to assist with these tasks. We also budgeted \$2,400 for travel to an EPA Brownfield Conference ((2 attendees * (\$400 airfare + \$800 for 2

days lodging, food, and registration)). As described in 4(a)(i), the Executive Director of RASC will also provide in-kind services in assisting with budgeting and reporting.

Task 2. Community Involvement/Site Selection/Reuse Planning. Our ED will have staff responsibility for Community Participation, Site Selection and Reuse Planning. We have budgeted 20 hours/month respectively for 36 months to this Task. This includes our Quarterly Coalition Meetings, our public meetings, and meeting one-on-one with site owners. While we have strategies to control several key sites (see Section 3(a)), we do not directly control most sites in the inventory, so working with the owners is critical to our success. We have budgeted \$20,000 of consulting time under this Task. All Coalition Members will provide in-kind services during both public meetings and other outreach efforts including the reuse planning. **We budgeted a total of \$180,000 for reuse planning on 3 select sites/areas. This will include developing Revitalization Plans and related documents such as the Market Study, Site Reuse Vision, and Resource Roadmap.**

Task 3. Phase I Assessments: We anticipate selecting 15 sites for Phase I ESAs at an average cost of \$5,000 per assessment. Our ED and appropriate Coalition Members will also review Phase I reports, and this time shall also be an in-kind contribution.

Task 4. Phase II Assessments & Clean-Up Plans: We anticipate selecting 12 sites for Phase II ESAs, at an average cost of approximately \$20,000 along with 4 cleanup plans. *Please Note: we anticipate leveraging State ISRP funds when available for any Phase IIs where the cost exceeds \$50,000, thus lowering the average cost to SCEDC and stretching EPA funds.* Again, our ED and appropriate Coalition Members shall oversee and review these Phase II reports, and this time shall also be an in-kind contribution. **Over 50% of this Coalition Assessment Grant will be spent on Phase I and Phase II Assessments.**

3.(c) Measuring Environmental Results. As discussed, our Steering Committee will meet Quarterly to track each project through milestones in a timely and efficient manner and address any lack of progress by organizing appropriate follow up by team members. With our consultants, we will develop an Excel spreadsheet that tracks the following: Phase I start, Phase I completion and submission to EPA for review, Sampling and Analysis Plan (SAP) submission to EPA, Phase II start, Phase II completion, remediation plan (if necessary), and Pennsylvania ACT 2 (Liability Release) Status, redevelopment start and completion. During and after the environmental assessment process, we will also track the redevelopment effort and the “Outcome” data. We will reach out to our Coalition Members, Partners, owners, and others to track such outcomes as site development status, private investment, public investment, jobs created, blight eliminated, housing units built, recreational space created, and reduction in public health threats. Based on these tracking mechanisms for outputs and outcomes, we will file timely Quarterly Reports and Property Reports using ACRES. Within the three-year grant period, we will generate the Close-Out Report. Following the Grant period, we will continue to track and report outcomes to the U.S. EPA.

4. PROGRAMMATIC ABILITY AND PAST PERFORMANCE

4.(a) Programmatic Capability 4.(a)(i). Organizational Structure. SCEDC was founded in 1957; it has a 60+year operating history. It is governed by an 18-member board that includes County Commissioners, local banks and businesses, the local community college, and County residents. We are a collaborative body, and work with existing organizations and businesses in the County. For many years, our primary role was promotional as we work with local businesses and prospective relocates to access public incentive programs. In recent years, SCEDC has become more proactive in response to community needs. Joshua E. Boland, Executive Director, is the person leading this proactive role and will manage this Assessment Grant. Josh has a Bachelors in Business Management and Mechanical Engineering from Messiah College. He is also a licensed

Real Estate Agent. Josh draws on a background in the private commercial real estate industry; this includes positions in property and construction management with Northeastern Metro Realty in Boston. He left the private real estate industry to return to his hometown to make a difference in Somerset County. SCEDC is also prepared to directly assemble and develop the priority sites.

Barnes Saly & Company, a local accounting firm provides accounting, bookkeeping, and payroll services to SCEDC. The account is managed by Michele Petrosky Moon, with 30 years of accounting experience. A Coalition Member, RASC, manages the Federal Community Development Block Grant (“CDBG”), which receives annual distributions from the U.S. Department of Housing & Urban Development via PADCED. Those funds are subject to all Federal procurement requirements. Steve Spochart, the Executive Director of RASC will provide in-kind assistance to SCEDC on managing contracts, budgeting, and reporting to the EPA. Steve has 25 years of accounting experience with non-profits, particularly with federal and state funding.

4(a)(ii) Acquiring Additional Resources. SCEDC will publicly advertise for QEFs, QREPM, and QPFs. All public advertisements will include the criteria for the selection of these consultants. We will then rank the responses according to each criteria, and select the consultants with the highest ranking. We anticipate selecting one QREPM and three QEFs. As we proceed with site assessments, we will select Sites for reuse planning and select our QPFs. Because of our track record, we will attract the very best team of consultants in the region. Because of our small size, we will also generate very quick contract approvals by our Board and very rapid implementation of the Assessment Grant. As part of this process, SCEDC will fulfill Federal bidding & minority/women business reporting requirements.

4.(b) Past Performance and Accomplishments (b) (ii) Has Not Received an EPA Brownfields Grant but has Received Other Federal or Non-Federal Assistance Agreements. While SCEDC has not received an EPA Brownfields Grant, we have received non-federal assistance. As discussed, we will also work closely with a Coalition Member, RASC, who has a history of receiving and managing federal funds.

4.(b)(ii)(1) Purpose & Accomplishments. **Federal:** For example, RASC administers approximately \$800,000 year annually in Federal CDBG funding, and completed various projects throughout the County with these funds. This includes: Great Allegheny Passage Rails to Trails Project, Meyersdale Train Station Rehabilitation, Jenners Passive Treatment System, & Oven Run and Cottagetown Mine Reclamation Projects. Using both CDBG funding and State funding, other projects include: Blough Waterline Extension - CDBG and PA H2O funding was deployed to extend waterlines to the Village of Blough serving 75 homes where wells once ran dry in the summer; Rockingham Waterline Extension - CDBG and State H2O funding was deployed to extend waterlines to the Village of Rockingham; Plank Road Sanitary Sewer Improvement - CDBG funding was deployed to install an new public sewer system to serve 40 homes where sewage once discharged directly into nearby streams and creeks.

State: In recent years, SCEDC received a \$150,000 grant from PADCED for economic development activities. Among other things, this Grant paid for the Industrial Real Estate Market Study, as briefly described in Section 1(b)(i), which identified the need for multi-tenant industrial space. This Study helped generate the impetus for this Assessment Grant Proposal. As discussed, Somerset, Inc., recently received the \$1.8 million Neighborhood Partnership Program award which will provide instant leverage to this Grant.

(b)(ii)(2) Compliance with Grant Requirements. Since 2012, the Redevelopment Authority of the County of Somerset has obtained and managed over \$10 million in Federal and State grants. In all cases, RASC has performed grant activities in compliance with work plans, terms and conditions, expenditures and reporting requirements. Similarly, SCEDC has complied with all requirements with its PADCED Grant. SCEDC, and its Coalition Members, will continue to do so with a 2021 Community Wide Coalition Assessment Grant.

THRESHOLD RESPONSE CRITERIA

1. Applicant Eligibility

The applicant, Somerset County Economic Development Council (“SCEDC”) is certified by the Commonwealth of Pennsylvania, specifically the PA. Industrial Development Authority (“PIDA”), as an “industrial development company” as defined by the PIDA act of 1956. This Certification is included in the Attachments, along with our Articles of Incorporation. As such, SCEDC is a Government Entity Created by the State Legislature, and is eligible for the Assessment Grant.

The Coalition is comprised of three members:

Redevelopment Authority of Somerset County “RASC”) – see Letter joining Coalition. RAAC is chartered by the State under the Urban Redevelopment Law, an Act of May 24, 1945, P.L. 991, No. 385. See the attachments which include the Authorizing Urban Redevelopment Law and RASC’s By-Laws

Borough of Somerset – see Letter joining Coalition, also documenting eligibility. General Purpose Unit of Government.

Somerset, Inc. – see Letter joining Coalition. Somerset, Inc. is a tax-exempt non-profit organization with the mission of revitalizing the central business district of Somerset Borough. See attached letter from IRS demonstrating tax-exempt status under section 501 (c)(3) of the Internal Revenue Code, along with attached Articles of Incorporation.

2. Community Involvement

2(b)(i) Project Partners (ii) Project Partner Roles

Partner	Contact – phone and e-mail	Specific Role in Project
Somerset Chamber of Commerce	Ron Aldom, Executive Director 814-445-6431 raldom@somersetcountychamber.com	Sits on the NPP Advisory Committee and will advise Somerset, Inc. & SCEDC on multiple sites in downtown Somerset.
Community Foundation of the Alleghenies	Mike Kane, President 814-225-1247 mkane@cfaalleghenies.org	Community foundation & a long-time supporter of SCEDC. Source of leverage for multi-tenant project & others.
Southern Alleghenies Planning & Development Commission	Brandon Carson 814-949-6506 bcarson@sapdc.org	Regional planning organization that sponsored the 2018 6-County Master Plan & will identify potential funding sources.
Somerset Trust Co.	Henry Cook, Chairman of the Board 814-443-9200 ghenrycook@somersettrust.com	Local bank & active supporter. Will purchase tax credits as part of State NPP Award. Also source of investment for reuse projects.
UPMC Somerset	Mark Miller, Vice President 814-443-5000 markmiller@somersethospital.com	Local hospital purchased by UPMC. NPP Sponsor & looking at expansion on adjacent brownfield sites in downtown Somerset.

Global/SFC Valve	Linda Heining, President 814-445-9671 lheining@globalsfc.com	Also NPP sponsor and looking at possible expansion on adjacent brownfield site.
Community Action Partnership for Somerset County	Lisa A. Phillips, Director 814-445-9628 lphillips@capfsc.org	Assistance with community outreach particularly on trailer park site.

As part of this proposal, SCEDC led the Coalition Members in a process that identified the listed sites. Currently, SCEDC regularly communicates (almost daily) with Coalition Members. That communication will continue regarding the management of this Grant. In addition, at least Quarterly, SCEDC will have a specific meeting with our Coalition Members to review progress.

2(b)(iii) Incorporating Community Input

SCEDC will also utilize the Coalition Members to reach out to the public throughout the management of this Grant. That is, Somerset Borough hosts public meetings monthly and the Redevelopment Authority of Somerset County (“RASC”) hosts six Countywide meetings per year and 12 regional meetings per year. SCEDC will attend those public meetings at least Quarterly to provide an update on progress and solicit comments and input. At the public meetings, sign-in sheets are used and all attendees are asked to provide contact information. All public comments will be recorded as part of the meeting minutes. SCEDC will respond to all comments in person at the meeting, as well as provide a written response via e-mail or U.S. mail. For the written response, SCEDC will organize conference calls or meetings with Coalition members to develop the response. Then, we will then incorporate these comments into our site selection and reuse plans.

We will also use the local newspaper, the Daily American, to keep the public informed and provide notice of public meetings. We will also encourage all public officials to place an announcement of the Grant and Grant progress in their newsletters/e-mails to constituents. While our County has suffered economically due to COVID, fortunately we are not currently experiencing an outbreak. None-the-less, we do practice social distancing and wear masks at the public meetings. Throughout this process, whether experiencing COVID restrictions or not, we will also diligently update our web site with project announcements and progress. Should a COVID outbreak occur, we will have to meet remotely via Zoom or other software. However, only 64% of Somerset City residents have internet access, so we will be making arrangements with our local library to host the Zoom meeting on a library computer posted either inside in their lobby or outside on their grounds.

3. Documentation of Available Balance on current Assessment Grant.

SCEDC does not have an active Assessment Grant.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

01/08/2018

TO ALL WHOM THESE PRESENTS SHALL COME, GREETING:

SOMERSET COUNTY ECONOMIC DEVELOPMENT COUNCIL

I, Robert Torres, Acting Secretary of the Commonwealth of Pennsylvania, do hereby certify that the foregoing and annexed is a true and correct copy of

Creation Filing filed on Aug 7, 1957 - Pages (1)
Creation Filing filed on Nov 1, 1957 - Pages (1)
Amendment filed on Sep 8, 1998 - Pages (2)
Amendment filed on Mar 12, 2006 Effective Mar 13, 2006 - Pages (2)

which appear of record in this department.



IN TESTIMONY WHEREOF, I have hereunto set
my hand and caused the Seal of the Secretary's
Office to be affixed, the day and year above written

Robert Torres

Acting Secretary of the Commonwealth

Certification Number: TSC180108110611-1

Verify this certificate online at <http://www.corporations.pa.gov/orders/verify>

3-1-57 22 977

APPLICATION FOR REGISTRATION OF NAME
for a
NONPROFIT CORPORATION

TO THE COMMONWEALTH OF PENNSYLVANIA:
DEPARTMENT OF STATE:

In compliance with the provisions of Article II of the Nonprofit Corporation Law, approved May 5, 1933, P. L. 289, as amended, the undersigned incorporators desiring to make application for the registration of proposed corporate name, do hereby certify:

1st: The name which the incorporators desire to use is _____

SOMERSET COUNTY DEVELOPMENT COUNCIL

2nd: The address of the proposed registered office of the corporation is _____

Somerset

(Number)

(Street)

(City)

In the county of Somerset Commonwealth of Pennsylvania.

3rd: The purpose or purposes of the proposed corporation are: To promote the interests of the people of Somerset County, Pennsylvania, including but not limited to the following categories: commercial, industrial, agricultural, recreational, social and civic; with power to purchase real estate and to acquire, hold, mortgage, lease, convey or improve it, erect buildings, manage and operate them, and to perform other acts as may be necessary, proper or convenient in the furtherance of said purposes, none of which contemplate pecuniary gain or profit, individually or otherwise, to its members. In its activities the corporation shall be non-partisan and non-sectarian. It shall take no part in nor lend its influence to the election or appointment of any candidate to state, county, or other political office.

<u>Robert A. Stoughton</u>	Seal	<u>George Sura</u>	Seal
Robert A. Stoughton		George Sura	
<u>Francis G. Neilan</u>	Seal	<u>Ray L. Morrison</u>	Seal
Francis G. Neilan		Ray L. Morrison	
<u>Joseph K. Edwards</u>	Seal		Seal
Joseph K. Edwards			
<u>Robert Brown</u>	Seal		Seal
Robert Brown			

Recorded in the office of the Secretary of the Commonwealth August 7, 1957

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE

James H. Ginnery
Secretary of the Commonwealth

- NOTE: (a) Filing fee \$10.00.
(b) At least 5 incorporators must sign application.
(c) Paragraph 3rd informative merely. Give brief statement only.
(d) Type names under signatures of incorporators.

Oct. 1, 1957

1957

1957

IN RE: Incorporation of SOMERSET COUNTY

IN THE COURT OF COMMON PLEAS OF SOMERSET COUNTY, PENN.

DEVELOPMENT COUNCIL, a non-profit

No. 50 Miscellaneous Docket 1957

.50

corporation

Filing fee \$7.00
Rec'd Oct 12, 1957

17 October 1957, Articles of Incorporation, filed
signed by the following:
Robert A. Slaughter
Frankie D. Nelson
Joseph H. Edwards
Robert Brown
George Mura
Ray L. Morrison

praying the said court in compliance with the non-
profit corporation law to incorporate them as non-
profit corporation, the name of the said proposed

corporation to be SOMERSET COUNTY DEVELOPMENT COUNCIL, the location and post office address of the initial
registered office shall be Somerset, Pa., the purposes of said corporation are to promote the interests of
the people of Somerset County, Pennsylvania, including but not limited to the following categories: commercial,
industrial, agricultural, recreational, social and civic; with power to purchase real estate and to acquire,
hold, mortgage, lease, convey or improve it, erect buildings, manage and operate them, and to perform other
acts as may be necessary, proper or convenient in the furtherance of said purposes, none of which contemplate
pecuniary gain or profit, individually or otherwise, to its members. In its activities the corporation shall
be non-partisan and non-sectarian. It shall take no part in nor lend its influence to the election or
appointment of any candidate to state, county or other political office.

Same day, Certificate of the Secretary of the Commonwealth of Pennsylvania, filed.

30 October 1957, Application for Charter together with Proof of Publication, filed.

30 October 1957, Decree of Court filed as follows:

AND NOW, this 30th day of October 1957, the incorporators of the above named corporation having
made application to the Court by their Solicitors, Paul K. Fiko and Joseph W. Cascio, of Fiko and Cascio,
for a Charter, and having presented to the Court the Articles of Incorporation, proof of advertising of
intention to apply for such Charter one time each in the Somerset Daily American, a newspaper of general
circulation, and in the Somerset Legal Journal, a legal newspaper designated by the Rules of Court for the
publication of legal notices, and the Certificate of the Department of State pertaining to registration of
the corporate name, I do hereby certify that I have perused and examined the said Articles of Incorporation,
and that I find the same to be in proper form, and within the provisions named in the "Non-profit Corporation
Law" of the Commonwealth of Pennsylvania, approved May 5, 1933, P.L. 280, as amended, and the
provisions given in said articles appear to be lawful and not injurious to the community.

It is therefore ORDERED AND DECREED that the Articles of Incorporation be and the same are hereby
approved, and that upon recording of the said Articles of Incorporation and this Decree, the corporation
shall come into existence for the purpose and upon the terms and under the name therein stated.

Witness my hand and the seal of said Court.

THOMAS F. LANSBERRY, P.J.

1 November 1957, Articles of Incorporation and Decree of Court recorded in the Recorder's Office
of Somerset County in Dead Book Vol. 5th page 194.

13 November 1957, Name reported to the Department of State, Harrisburg, Penna.

Filing fee \$10.00
Rec'd March 11, 1963

11 March 1963, Articles of Amendment filed as follows: Paragraph three (c) of
the original Articles of Incorporation which is amended as follows:

"That the purpose or purposes of the corporation are: As its primary purpose and
function, to promote and encourage and develop industrial and manufacturing
enterprises in a critical economic area; and with the further purpose to promote
the interest of the people of Somerset County, Pennsylvania, including but not
limited to the following categories: commercial, industrial, agricultural,
recreational, social and civic; with power to purchase real estate and to acquire,
hold, mortgage, lease, convey or improve it, erect buildings, manage and operate
them, and to perform other acts as may be necessary, proper or convenient in the
furtherance of said purposes, none of which contemplate pecuniary gain or profit,
individually or otherwise, to its members. In its activities the corporation
shall be non-partisan and non-sectarian. It shall take no part in nor lend its
influence to the election or appointment of any candidate to state, county, or
other political office."

22 March 1963, Application for Charter together with Proof of Publication filed.

22 March 1963, Decree of Court filed as follows:

AND NOW, this 19th day of March 1963, an application for the Amendment of its
Charter and the Articles of Amendment of SOMERSET COUNTY DEVELOPMENT COUNCIL under the "Non-Profit Corporation
Law", approved May 5, 1933, as amended, having been presented for approval to me, a law judge of the said
County, accompanied by proof of publication of Notice of said application and a certified copy of the
Resolution authorizing the proposed amendments.

I do hereby certify that I have perused and examined the said instruments and
that I find them to be in the proper form within the provisions of the requirements of the Act of General
Assembly of the Commonwealth of Pennsylvania, known as the "Non-Profit Corporation Law", approved May 5, 1933,
as amended, and that the proposed amendment appears to be lawful and that it will be beneficial and not
injurious to the community.

It is, therefore, ORDERED AND DECREED, that the Articles of Amendment of SOMERSET
COUNTY DEVELOPMENT COUNCIL be and the same are hereby approved, and upon the recording of the said Articles of
Amendment and this Decree, the amendment specified in the Articles of Amendment shall become part of the
original Articles of Incorporation and of the original charter.

WITNESS my hand and seal of the said Court: THOMAS F. LANSBERRY, P.J.

22 March 1963, Application for Amendment to Charter, Proof of Publication and
Decree recorded in the Recorder's Office of Somerset County in Dead Book Vol 58, Page 88.

COMMONWEALTH OF PENN.

51

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WILLIAM A. FLOWER

Filing fee \$10.00
Rec'd Oct 12, 1957

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SEP 08 1998

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Secretary of the Commonwealth

ARTICLES OF AMENDMENT-DOMESTIC NONPROFIT CORPORATION

DSCB:15-5915 (Rev 91)

In compliance with the requirements of 15 Pa.C.S. § 5915 (relating to articles of amendment), the undersigned nonprofit corporation, desiring to amend its articles, hereby states that:

1. The name of the corporation is: Somerset County Development Council

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) _____	Somerset	PA	15501	Somerset
Number and Street	City	State	Zip	County

(b) c/o: _____	County
Name of Commercial Registered Office Provider	County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The statute by or under which it was incorporated is: Nonprofit Corporation Law approved May 5, 1933, P.L. 289, as amended.

4. The date of its incorporation is: August 7, 1957

5. (Check, and if appropriate complete, one of the following):

____ The amendment shall be effective upon filing these Articles of Amendment in the Department of State.

☒ The amendment shall be effective on: January 1, 1998 at 12:01 a.m.

6. (Check one of the following):

____ The amendment was adopted by the members (or shareholders) pursuant to 15 Pa.C.S. § 5914(a).

☒ The amendment was adopted by the board of directors pursuant to 15 Pa.C.S. § 5914(b).

7. (Check, and if appropriate complete, one of the following):

☒ The amendment adopted by the corporation, set forth in full, is as follows:

It is hereby resolved that the name of the Somerset County Development Council shall be changed to the Somerset County Economic Development Council effective as of January 1, 1998.

It is hereby further resolved that the registered office of the Somerset County Economic Development Council shall be 125 North Center Avenue, Somerset, Pennsylvania, 15501.

____ The amendment adopted by the corporation is set forth in full in Exhibit A attached hereto and made a part hereof.

DSCB:15-5915 (Rev 91)-2

8. (Check, if the amendment restates the Articles):

 The restated Articles of Incorporation supersede the original Articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this 1st day of September, 19 98.

Somerset County Economic Development Council

(Name of Corporation)

BY: Russell A. Paul

(Signature)

TITLE: President

PENNSYLVANIA DEPARTMENT OF STATE
CORPORATION BUREAU

Articles of Amendment-Domestic Corporation
(15 Pa.C.S.)

☐ Business Corporation (§ 1915)
☒ Nonprofit Corporation (§ 5915)

Name		
Lois Witt Geary, Esq.		
Address		
124 North Center Avenue		
City	State	Zip Code
Somerset	PA	15501

Document will be returned to the
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Fee: \$70

In compliance with the requirements of the applicable provisions (relating to articles of amendment), the undersigned, desiring to amend its articles, hereby states that:

1. The name of the corporation is:
Somerset County Economic Development Council

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following information to conform to the records of the Department):

(a) Number and Street	City	State	Zip	County
125 North Center Avenue	Somerset	PA	15501	Somerset

(b) Name of Commercial Registered Office Provider _____ County _____
c/o _____

3. The statute by or under which it was incorporated:
Nonprofit Corporation Law approved May 5, 1933, P.L. 289, as amended.

4. The date of its incorporation:
August 7, 1957

5. Check, and if appropriate complete, one of the following:

☒ The amendment shall be effective upon filing these Articles of Amendment in the Department of State.

☐ The amendment shall be effective on: _____ at _____
Date Hour

PA DEPT. OF STATE

MAR 13 2006

Commonwealth of Pennsylvania
ARTICLES OF AMENDMENT-NONPROFIT 4 Page(s)



T0607563112

6. Check one of the following:

☐ The amendment was adopted by the shareholders or members pursuant to 15 Pa.C.S. § 1914(a) and (b) or § 5914(a).

☒ The amendment was adopted by the board of directors pursuant to 15 Pa. C.S. § 1914(c) or § 5914(b).

7. Check, and if appropriate, complete one of the following:

☒ The amendment adopted by the corporation, set forth in full, is as follows

In the event the organization shall cease to exist at any time, and dissolution and/or sale of the organization occurs, no surplus funds may be used for private inurement to any person.

☐ The amendment adopted by the corporation is set forth in full in Exhibit A attached hereto and made a part hereof.

8. Check if the amendment restates the Articles:

☐ The restated Articles of Incorporation supersede the original articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these Articles of Amendment to be signed by a duly authorized officer thereof this

7th day of March,
2006.

Somerset County Economic Development
Council

Name of Corporation

J. Thomas Kelly

Signature

President

Title

BY-LAWS
OF THE
REDEVELOPMENT AUTHORITY OF
THE COUNTY OF SOMERSET

UPDATED AND ADOPTED - MARCH 1992

ORGANIZATIONAL BY-LAWS OF
THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF SOMERSET

ARTICLE I - NAME

- Section 1. Name. The name of the Authority shall be the Redevelopment Authority of the County of Somerset.
- Section 2. Office. The office of the Authority shall be such place as shall be designated by its members.

ARTICLE II - JURISDICTION

- Section 1. Jurisdiction. The area served by the Authority include all municipalities located within the County of Somerset.

ARTICLE III - MEMBERSHIP

- Section 1. Membership. Membership shall be limited to no less than five (5) members. The Board of the Somerset County Commissioners shall appoint the members of the Authority.
- Section 2. Voting Rights. Each member shall be entitled to one vote on each matter submitted to a vote of the members.
- Section 3. Resignation. Any member may resign by filing a written resignation notice with the Board of Commissioners and the Chairperson.

ARTICLE IV - OFFICERS

- Section 1. Officers. The officers of the Authority shall be the Chairperson, Vice-Chairperson, Treasurer, Secretary and Assistant Secretary-Treasurer. The positions of Treasurer and Secretary may be combined as Secretary/Treasurer and may be held by one person. Such officers shall be elected by the membership.
- Section 2. Chairperson. The Chairperson shall conduct the business of the Authority, call and preside at meetings, and shall serve as the Chief Executive Officer of the Authority, including the performance of any duties that are customarily associated with the office.
- Section 3. Vice-Chairperson. The Vice-Chairperson shall assist the Chairperson in the performance of his/her duties and shall serve as the Chief Executive Officer in the absence or incapacitation of the Chairperson.
- Section 4. Treasurer. The Treasurer shall, with assistance from the Comptroller of the Authority, prepare and present to the membership the Fiscal Operating Budget.

- Section 5. Secretary. The Secretary shall attest to the minutes of all scheduled meetings, resolutions and agreements of the Authority, and shall be custodian of the Authority seal.
- Section 6. Assistant Secretary/Treasurer. The Assistant Secretary/ Treasurer shall perform the duties of the Secretary and/or the Treasurer in the absence or incapacity of either officer.
- Section 7. Election. All officers shall be elected to a one (1) year term at the reorganization meeting of the Authority.
- Section 8. Vacancies. Any vacancies that may occur during the tenure of any officer shall be filled by appointment of the Board of County Commissioners from the time of the vacancy until the end of the unexpired term of said office.

ARTICLE V - MEETINGS

- Section 1. Board Meetings. All reorganization, regular and special meetings of the Authority shall be called by the Chairperson
- Section 2. Regular Meetings. The Regular Meetings of the Authority shall be as established at the beginning of each fiscal year by the Board of Directors.
- Section 3. Special Meetings. Special Meetings of the Authority shall be called by the Chairperson at his/her discretion or by the Chairperson at the request of one-third (1/3) of the members.
- Section 4. Reorganization Meeting. A Reorganization Meeting of the Authority shall be held during January of each year.
- Section 5. Notice of Meetings. A published notice stating the place, day and hour of any meeting of members or committees shall be published in a newspaper of daily circulation in accordance with the "Sunshine Act".
- Section 6. Actions. All actions taken on matters placed before the membership shall be valid only if a quorum of the membership is present.
- Section 7. Quorum. The quorum of membership shall be attained when three members of the Authority Board are present. If a quorum of membership is not present at any meeting, a majority of the members present may adjourn the meeting until another time or until a quorum of membership is present.
- Section 8. Conduct of Meetings. All meetings shall be conducted in accordance with "Robert's Rules of Order".

ARTICLE VI - COMMITTEES

- Section 1. Special Committee. The Authority may from time to time as it deems proper and by a majority vote of the members present, create, name and assign members to committees for special purposes with the terms of the committee and its members to be determined by the Authority.
- Section 2. Vacancies. Vacancies in the membership of any committee may be filled by appointments made in the same manner as provided in the case of the original appointments.

ARTICLE VII - PERSONNEL

Section 1. Employment of Personnel. The Authority may from time to time engage such personnel, either permanent or temporary, as it may require, and it shall determine the qualifications of such persons and their tenure and compensation.

ARTICLE VIII - CONTRACTS, DEPOSITS, NEGOTIABLE INSTRUMENTS AND GIFTS

Section 1. Contracts. At the approval of a quorum at any meeting, the Chairperson (or in his/her absence, the Vice-Chairperson) or Executive Director of the Authority shall be authorized to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Authority, and such authority may be general or confined to specific instances.

Section 2. Deposits. All checks, drafts or orders representing the collection or income of funds shall be immediately deposited to the credit of the appropriate activity, in such bank, trust company or other depository as selected by the Authority.

Section 3. Negotiable Instruments. All checks, drafts or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Authority shall be signed by no less than two (2) officers or one officer and the Executive Director of the Authority.

Section 4. Gifts. The Authority may accept any contribution, donation, gift, bequest or devise for the general purpose or for any special purpose of the Authority. No gift shall be accepted which may create a conflict of interest, or the appearance thereof, between the Authority, the United States government and/or the donor.

ARTICLE IX - BOOKS AND RECORDS

The Authority shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its meetings, and shall keep at the registered or principal office a record giving the names and addresses of the members entitled to vote. All books and records of the Authority may be inspected by any member or his agent or attorney for any purpose at any reasonable time. The books shall be submitted for audit at the end of each fiscal year, or at such time as the funding source requires.

ARTICLE X - FISCAL YEAR

The fiscal year of the Authority shall begin on the first day of January and shall end on the last day of December in each year.

ARTICLE XI - SEAL

The Authority shall provide a seal, which shall be in the form of a circle and shall have inscribed thereon the words "Redevelopment Authority of the County of Somerset" and the figures "1956".

ARTICLE XII - INDEMNITY

The Authority shall indemnify any member, officer or agent of the Board who undertakes any lawful act on the Authority's behalf.

ARTICLE XIII - ORDER OF BUSINESS

Section 1. Order of Business. At all meetings of the Authority, the following shall be the order of business:

1. Call to Order
2. Pledge of Allegiance
3. Approval of minutes of the previous meeting
4. Old Business
 - A. Department Reports
5. New Business
6. Expenses
 - A. Travel
 - B. Invoices
7. Other Business
8. Adjournment

ARTICLE XIV - INTEREST IN PROJECTS

Section 1. No member or employees of the Authority shall acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned to be included in any project, nor shall he/she have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any project. If any member or employee of the Authority owns or controls an interest, direct or indirect, in any property included or planned to be included in any project of the Authority, or has any such interest, in any contract for material or services to be furnished or used in connection with any project, he shall immediately disclose the same in writing to the Authority, and such disclosure shall be entered in writing upon the minute books of the Authority. Failure to disclose such interest shall constitute misconduct in offices.

ARTICLE XV - LETTING OF CONTRACTS

Section 1. Compliance with Statute. All contracts falling within the scope of the urban Redevelopment Law of May 24, 1945, P.L. 991 as amended, shall be made and let in the manner therein prescribed.

Section 2. Additional Requirements. In addition to the statutory requirements for the making and letting of contracts, the Authority may, by Resolution, prescribe the manner in which contracts shall be made and let; provided, however, that my such resolution shall conflict with any governing statute.

ARTICLE XVI - AMENDMENTS

Section 1. Amendments to By-Laws. The By-laws of the Authority shall be amended only with the approval of at least three of the members of the Authority. No amendment shall be adopted unless it shall have been introduced at a prior regular meeting or special meting, and unless five days' written notice thereof, together with an exact copy of the proposed amendment, shall have been given to each Member of the Authority, reciting the time and place of the meeting at which the proposed amendment shall be voted upon.

ADOPTED BY THE REDEVELOPMENT AUTHORITY OF THE COUNTY OF SOMERSET THIS

18th day of March, 1992.

Catharine Hilschansky
Chairperson

ATTEST:

John J. Lochine
Secretary

URBAN REDEVELOPMENT LAW
Act of May 24, 1945, P.L. 991, No. 385
AN ACT

Cl. 14

To promote elimination of blighted areas and supply sanitary housing in areas throughout the Commonwealth; by declaring acquisition, sound replanning and redevelopment of such areas to be for the promotion of health, safety, convenience and welfare; creating public bodies corporate and politic to be known as Redevelopment Authorities; authorizing them to engage in the elimination of blighted areas and to plan and contract with private, corporate or governmental redevelopers for their redevelopment; providing for the organization of such authorities; defining and providing for the exercise of their powers and duties, including the acquisition of property by purchase, gift or eminent domain; the leasing and selling of property, including borrowing money, issuing bonds and other obligations, and giving security therefor; restricting the interest of members and employees of authorities; providing for notice and hearing; supplying certain mandatory provisions to be inserted in contracts with redevelopers; prescribing the remedies of obligees of redevelopment authorities; conferring certain duties upon local planning commissions, the governing bodies of cities and counties, and on certain State officers, boards and departments.

Compiler's Note: Section 301(a)(9) of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that housing, community assistance and other functions under Act 385 are transferred from the Department of Community Affairs to the Department of Community and Economic Development.

Compiler's Note: Section 1 of Act 165 of 1970 provided that the limits heretofore imposed by Act 385 upon the rates of interest and interest costs permitted to be paid upon bonds, obligations and indebtedness issued by the Commonwealth or its agencies or instrumentalities or authorities, and by local political subdivisions or their agencies or authorities, are hereby removed for such bonds, obligations or indebtedness.

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The General Assembly of the Commonwealth of Pennsylvania
hereby enacts as follows:

Section 1. Short Title.--This act shall be known and may be
cited as the "Urban Redevelopment Law."

Section 2. Findings and Declaration of Policy.--It is hereby
determined and declared as a matter of legislative finding--

(a) That there exist in urban communities in this
Commonwealth areas which have become blighted because of the
unsafe, unsanitary, inadequate or overcrowded condition of the
dwellings therein, or because of inadequate planning of the
area, or excessive land coverage by the buildings thereon, or
the lack of proper light and air and open space, or because of
the defective design and arrangement of the buildings thereon,
or faulty street or lot layout, or economically or socially
undesirable land uses.

(b) That such conditions or a combination of some or all of
them have and will continue to result in making such areas
economic or social liabilities, harmful to the social and
economic well-being of the entire communities in which they
exist, depreciating values therein, reducing tax revenues, and
thereby depreciating further the general community-wide values.

(c) That the foregoing conditions are beyond remedy or
control by regulatory processes in certain blighted areas, or
portions thereof, and cannot be effectively dealt with by
private enterprise under existing law without the additional
aids herein granted, and that such conditions exist chiefly in
areas which are so subdivided into small parcels and in divided
ownerships that their assembly for purposes of clearance,
replanning and redevelopment is difficult and impossible without
the effective public power of eminent domain.

(c.1) That certain blighted areas, or portions thereof, may require total acquisition, clearance and disposition, subject to continuing controls as provided in this act, since the prevailing condition of decay may make impracticable the reclamation of the area by rehabilitation or conservation, and that other blighted areas, or portion thereof, through the means provided in this act, may be susceptible to rehabilitation or conservation or a combination of clearance and disposition and rehabilitation or conservation in such manner that the conditions and evils hereinbefore enumerated may be eliminated or remedied. ((c.1) amended June 26, 1968, P.L.263, No.125)

(d) That the replanning and redevelopment of such areas in accordance with sound and approved plans for their redevelopment will promote the public health, safety, convenience and welfare.

(e) That there exist within the Commonwealth both within and outside of certified redevelopment areas, properties which have become derelict, abandoned or unfit for human habitation or other use by reasons of age, obsolescence, prolonged vacancy, dilapidation, deterioration, lack of maintenance and care or general neglect. ((e) added June 23, 1978, P.L.556, No.94)

(f) That such derelict properties individually and collectively constitute a blight and nuisance in the neighborhood; create fire and health hazards; are used for immoral and criminal purposes; constitute unreasonable interferences with the reasonable and lawful use and enjoyment of other premises in the neighborhood; are harmful to the social and economic well-being of any municipality; depreciate property values; and, generally jeopardize the health, safety and welfare of the public. ((f) added June 23, 1978, P.L.556, No.94)

(g) That there exists a serious shortage of decent, safe or sanitary housing accommodations and for related usages, and that the acquisition of blighted properties for residential and related uses, by eminent domain is a proper public purpose which will promote public health, safety and welfare. ((g) added June 23, 1978, P.L.556, No.94)

(h) That there exists within the Commonwealth, both within and outside certified redevelopment areas, an inadequate supply of residential owner-occupied and rental housing due, in part, to the deterioration of older dwellings, the elimination of substandard dwellings by governmental action, the increased cost of construction and the unavailability of affordable financing from the private sector. ((h) added Mar. 30, 1988, P.L.304, No.39)

(i) That there exists within the Commonwealth, both within and outside certified redevelopment areas, deteriorating commercial and industrial areas and/or individual structures, due, in part, to the fact that there are no private funds available to finance the purchase, construction, rehabilitation, demolition or equipping of the commercial and industrial properties at interest rates that would make the commercial or industrial project economically feasible. Such commercial or industrial projects are needed for the social and economic well-being of communities within the field of operation of authorities. ((i) added Mar. 30, 1988, P.L.304, No.39)

Therefore, it is hereby declared to be the policy of the

Commonwealth of Pennsylvania to promote the health, safety and welfare of the inhabitants thereof by the creation of bodies corporate and politic to be known as Redevelopment Authorities, which shall exist and operate for the public purposes of the elimination of blighted areas through economically and socially sound redevelopment of such areas, as provided by this act, in conformity with the comprehensive general plans of their respective municipalities for residential, recreational, commercial, industrial or other purposes, and otherwise encouraging the provision of healthful homes, a decent living environment and adequate places for employment of the people of this Commonwealth. Such purposes are hereby declared to be public uses for which public money may be spent, and private property may be acquired by the exercise of the power of eminent domain.

(2 amended May 27, 1957, P.L.197, No.98)

Compiler's Note: Section 2 of Act 35 of 2006 provided that as much of section 2 as relates to condemnation of blighted premises and is inconsistent with Act 35 is repealed.

Section 3. Definitions.--The following terms where used in this act, shall have the following meanings, except where the context clearly indicates a different meaning.

(a) "Authority" or "Redevelopment Authority."--A public body and a body corporate and politic created and organized in accordance with the provisions of this act.

(b) "Bonds."--Any bonds, interim certificates, notes, debentures or other obligations of an Authority issued pursuant to this act.

(c) "City."--Any city of the first, second, second class A or third class. The term shall also include any borough with a population large enough for the borough to qualify for a charter as a city, separately from any town, township or other borough, under section 201 of the act of June 23, 1931 (P.L.932, No.317), known as "The Third Class City Code," for all purposes of this act. "The city" shall mean the particular city or such qualified borough for which a particular Authority is created. ((c) amended Mar. 24, 2004, P.L.152, No.16)

(c.1) "Commercial and Industrial Redevelopment Program."--The financing of the purchase, construction, rehabilitation, demolition or equipping of a commercial or an industrial project as part of the redevelopment of an area designated in the program as needing such assistance by the Authority and in accordance with the program. ((c.1) added Mar. 30, 1988, P.L.304, No.39)

(c.2) "Commercial or Industrial Project."--A commercial or industrial facility, as those terms are used in the zoning ordinances of the municipality for the Authority's field of operation, within an area designated in the Commercial and Industrial Redevelopment Program which by its nature and location has or offers reasonable likelihood of preventing, slowing or reversing the deterioration of the designated area. ((c.2) added Mar. 30, 1988, P.L.304, No.39)

(c.3) "Conservation."--The process of preserving or

restoring existing buildings, public facilities or other improvements to an economically and socially sound condition. ((c.3) amended Mar. 30, 1988, P.L.304, No.39)

(d) "County."--Any county of this Commonwealth, other than a county of the first class. "The county" shall mean the particular county for which a particular Authority is created.

(e) "Field of Operation."--The area within the territorial boundaries of the city or county for which a particular Authority is created: Provided, however, That the field of operation of any county authority shall not include a city having a redevelopment authority but may include, with the consent of any such city, parcels of land within the city limits which are necessary to the corporate purposes of the county authority or necessary to its successful redevelopment of a redevelopment area: And, provided further, That the field of operation of any authority may include parcels of land outside the territorial boundaries of the city or county, as the case may be, which are necessary to the corporate purposes of the authority or necessary to the successful redevelopment of a redevelopment area, with the consent of the governing body of the city or county and the municipality in which the said parcels are situated, as the case may be: Provided, however, That the field of operation of any Authority shall not include parcels of land outside the territorial boundaries of a county unless acquisition thereof has been approved by a majority of the electors voting in a primary or general election in the municipality in which said parcels are situated. ((e) amended June 26, 1968, P.L.263, No.125)

(f) "Governing Body."--In the case of a city, the city council or other legislative body thereof, and in the case of a county, the board of county commissioners or other legislative body thereof.

(g) "Government."--Includes the State and Federal Governments or any subdivision, agency or instrumentality corporate or otherwise of either of them.

(h) "Municipality."--Any county, city, borough or township.

(i) "Obligee of the Authority" or "Obligee."--Any bondholder, trustee or trustees for any bondholders, any lessor demising property to an Authority used in connection with a redevelopment project, or any assignee or assignees of such lessor's interest, or any part thereof, and the Federal Government, when it is a party to any contract with an Authority.

(j) "Planning Commission."--Any planning commission established by law for a municipality of this Commonwealth. "The Planning Commission" shall mean the particular planning commission of the city or county in which a particular Authority operates. Redevelopment authorities shall be substituted for planning commission in any city or county in which a planning commission does not exist.

(k) "Real Property."--Lands, lands under water, structures and any and all easements, air rights, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise. ((k) amended June 26, 1968,

P.L.263, No.125)

(l) "Redeveloper."--Any individual, government, partnership or public or private corporation that shall enter or propose to enter into a contract with an Authority for the redevelopment of an area, or any portion thereof, or any building or structure thereon, under the provisions of this act. ((l) amended June 26, 1968, P.L.263, No.125)

(m) "Redevelopment."--Undertakings and activities for the elimination of blighted areas. Such undertakings and activities may include the planning, replanning, acquisition, rehabilitation, conservation, renewal, improvement, clearance, sale, lease or other disposition of real property, buildings or other improvements in blighted areas, or portions thereof, the relocation of businesses and families affected thereby into or outside of a redevelopment area, or any combination of such undertakings and activities, the installation, construction or reconstruction of streets, utilities, parks, playgrounds and other improvements necessary for carrying out in the blighted area the objectives of this act in accordance with the redevelopment area plan, and carrying out plans for a program of voluntary repair, rehabilitation, and conservation of real property, buildings or other improvements in accordance with the redevelopment area plan. ((m) amended June 26, 1968, P.L.263, No.125)

(n) "Redevelopment Area."--Any area, whether improved or unimproved, which a planning commission may find to be blighted because of the existence of the conditions enumerated in section two of this act so as to require redevelopment under the provisions of this act.

(o) "Redevelopment Area Plan."--A plan for the redevelopment of all or a part of a redevelopment area made by a planning commission in accordance with the provisions of section ten of this act. ((o) amended June 26, 1968, P.L.263, No.125)

(p) "Redevelopment Contract."--A contract between an Authority and a redeveloper for the redevelopment of an area under the provisions of this act.

(q) "Redevelopment Project" or "Project."--A project undertaken by a redeveloper under a contract with an Authority in accordance with the provisions of this act.

(r) "Redevelopment Proposal."--A proposal, including a copy of the redevelopment area plan and supporting data submitted for approval to the governing body by an Authority, for the redevelopment of all or any part of a redevelopment area. ((r) amended May 31, 1955, P.L.107, No.33)

(s) "Residential Housing Redevelopment Program."--The financing of the purchase, construction, rehabilitation, demolition or equipping of a residential housing project as part of the development of an area designated in the program as needing such assistance by the Authority and in accordance with the program. ((s) added Mar. 30, 1988, P.L.304, No.39)

(t) "Residential Housing Project."--A facility within an area designated in the Residential Housing Redevelopment Program which provides residential housing. ((t) added Mar. 30, 1988, P.L.304, No.39)

Section 4. Formation of Authorities.--

(a) There are hereby created separate and distinct bodies corporate and politic, one for each city and one for each county of the Commonwealth, as herein defined. Each such body shall be known as the Redevelopment Authority of the city or the county, as the case may be, but shall in no way be deemed to be an instrumentality of such city or county, or engaged in the performance of a municipal function. Each such Authority shall transact no business or otherwise become operative until and unless a finding is made as hereinafter provided in this section.

(b) At any time after passage of this act the governing body of any city or county may find and declare by proper ordinance or resolution that there is need for an Authority to function within the territorial limits of said city or county, as the case may be.

(c) The governing body shall cause a certified copy of such ordinance or resolution to be filed with the Department of State and a duplicate thereof with the Department of Community Affairs; upon receipt of the said certificate the Secretary of the Commonwealth shall issue a certificate of incorporation.

((c) amended June 26, 1968, P.L.263, No.125)

(d) In any suit, action or proceeding involving or relating to the validity or enforcement of any contract or act of an Authority, a copy of the certificate of incorporation duly certified by the Department of State shall be admissible in evidence and shall be conclusive proof of the legal establishment of the Authority.

Section 4.1. Dissolution of City Authorities.--If a city authority has never issued any bonds, or incurred any other debts or contractual obligations, or has paid and has been released from and discharged of all debts and bonded, contractual and other obligations, the governing body of the city may, after three years from the date of the certificate described in subsection (c) of section 4, or earlier if a proper resolution of the authority requests the action hereinafter described, find and declare by proper resolution that its functions can be more properly carried out by a county authority and that there is no longer any need for the authority created for such city to function. In such case the governing body shall issue a certificate reciting the adoption of such resolution, and shall cause such certificate to be filed with the Department of State and two duplicates thereof with the Department of Community Affairs. Upon such filing the city authority shall cease to function, and title to any assets held by the authority at that time shall pass to the city. A copy of the certificate described in this section shall be admissible in any suit, action or proceeding and shall be conclusive proof that the authority has ceased to be in existence.

(4.1 added Nov. 16, 1967, P.L.498, No.243)

Section 4.2. Dissolution of County Authorities.--If a county authority has never issued any bonds, or incurred any other debts or contractual obligations, or has paid and has been released from and discharged of all debts and bonded, contractual and other obligations, the governing body of the county may, after three years from the date of the certificate

described in subsection (c) of section 4, or earlier if a proper resolution of the authority requests the action hereinafter described, find and declare by proper resolution that there is no longer any need for the authority created for such county to function. In such case the governing body shall issue a certificate reciting the adoption of such resolution, and shall cause such certificate to be filed with the Department of State and two duplicates thereof with the Department of Community Affairs. Upon such filing the county authority shall cease to function, and title to any assets held by the authority at that time shall pass to the county. A copy of the certificate described in this section shall be admissible in any suit, action or proceeding and shall be conclusive proof that the authority has ceased to be in existence.

(4.2 added Nov. 16, 1967, P.L.498, No.243)

Section 5. Appointment and Qualifications of Members of Authority.--Upon certification of a resolution declaring the need for an Authority to operate in a city or county, the mayor or board of county commissioners thereof, respectively, shall appoint, as members of the Authority, five citizens who, except in the case of cities of the third class, shall be residents of the city or county in which the Authority is to operate. In the case of a city of the third class, a majority of the members of the Authority shall be residents of the city, and the remainder may be nonresidents who own and operate businesses in the city in which the Authority is to operate.

(5 amended Nov. 23, 2004, P.L.943, No.137)

Section 6. Tenure and Compensation of Members of Authority.--The members who are first appointed shall serve for terms of one, two, three, four and five years, respectively, from the date of their appointment as shall be specified at the time of their appointment. Thereafter, the term of office shall be five years. A member shall hold office until his successor has been appointed. Vacancies for unexpired terms shall be promptly filled by the appointing power. A member shall receive no compensation for his services, but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Section 7. Organization of Authority.--The members of an Authority shall select from among themselves a chairman, a vice-chairman, and such other officers as the Authority may determine. An Authority may employ a secretary, an executive director, its own counsel and legal staff, and such technical experts, and such other agents and employees, permanent or temporary, as it may require, and may determine the qualifications and fix the compensation of such persons. Three members of an Authority shall constitute a quorum for its meetings. Members of an Authority shall not be liable personally on the bonds or other obligations of the Authority, and the rights of creditors shall be solely against such Authority. An Authority may delegate to one or more of its agents or employees such of its powers as it shall deem necessary to carry out the purposes of this act, subject always to the supervision and control of the Authority.

Section 8. Interest of Members or Employees.--No member or

employee of an Authority shall acquire any interest, direct or indirect, in any redevelopment project or in any property included or planned to be included in any redevelopment area, or in any area which he may have reason to believe may be certified to be a redevelopment area, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by an Authority, or in any contract with a redeveloper or prospective redeveloper relating, directly or indirectly, to any redevelopment project. The acquisition of any such interest in a redevelopment project or in any such property or contract shall constitute misconduct in office. If any member or employee of an Authority shall already own or control any interest, direct or indirect, in any property later included or planned to be included in any redevelopment project under the jurisdiction of the Authority, or has any such interest in any contract for material or services to be furnished or used in connection with any redevelopment project, he shall disclose the same in writing to the Authority and to the Department of Community Affairs and the local governing body, and such disclosure shall be entered in writing upon the minute books of the Authority. Failure to make such disclosure shall constitute misconduct in office.

(8 amended June 26, 1968, P.L.263, No.125)

Section 9. Powers of an Authority.--An Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof, which powers shall include all powers necessary or appropriate to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to those herein otherwise granted:

(a) To procure from the planning commission the designation of areas in need of redevelopment and its recommendations for such redevelopment;

(b) To study the recommendations of the planning commission for redevelopment of any area and to make its own additional investigations and recommendations thereon; to initiate preliminary studies of possible redevelopment areas to make and assist in implementing (1) plans for carrying out a program of voluntary repair, rehabilitation and conservation of real property, buildings and improvements, (2) plans for the enforcement of laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, (3) plans for the relocation of persons (including families, business concerns and others) displaced by any other Government activities related to the purposes of this act or any activities of the Authority, (4) preliminary plans outlining redevelopment activities for neighborhoods to embrace two or more redevelopment areas, and (5) preliminary surveys to determine if the undertaking and carrying out of a redevelopment project are feasible. ((b) amended June 26, 1968, P.L.263, No.125)

(c) To cooperate with any government, school district or municipality; ((c) amended June 26, 1968, P.L.263, No.125)

(d) To act as agent of the State or Federal Government or any of its instrumentalities or agencies for the public purposes set out in this act;

(e) To arrange or contract with any municipality located, in whole or in part, within the Authority's field of operation, or with the State or Federal Government for the furnishing, planning, replanning, constructing, installing, opening or closing of streets, roads, roadways, alleys, sidewalks or other places or facilities, or for the acquisition by such municipality, or State or Federal Government of property options or property rights or for the furnishing of property or services in connection with a redevelopment area;

(f) To arrange or contract with the Commonwealth, its agencies, and any municipality to the extent that it is within the scope of their respective functions--(1) to cause the services customarily provided by each of them to be rendered for the benefits of such Authority or the occupants of any redevelopment area; and (2) to provide and maintain parks, recreational centers, schools, sewerage, transportation, water and other municipal facilities adjacent to or in connection with redevelopment areas; and (3) to plan, replan, zone or rezone any part of the municipality in connection with any redevelopment proposal of the Authority;

(g) To enter upon any building or property in order to make surveys or soundings;

(h) To assemble, purchase, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein from any person, firm, corporation, municipality or government: Provided, That no real property, located outside of a redevelopment area, which is not necessary to the corporate purposes of the Authority nor necessary to the successful redevelopment of a redevelopment area, shall be purchased by the Authority. ((h) amended June 26, 1968, P.L.263, No.125)

(i) To acquire by eminent domain any real property, including improvements and fixtures for the public purposes set forth in this act, in the manner hereinafter provided, except real property located outside a redevelopment area; ((i) amended Dec. 1, 1959, P.L.1637, No.603)

(j) To own, hold, clear, improve and manage real property;

(k) To sell, lease or otherwise transfer any real property located outside of a redevelopment area and, subject to approval by the local governing body, any real property in a redevelopment area: Provided, That with respect to a redevelopment area the Authority finds that the sale, lease or other transfer of any part will not be prejudicial to the sale or lease of the other parts of the redevelopment area, nor be in any other way prejudicial to the realization of the redevelopment proposal approved by the governing body. ((k) amended May 27, 1957, P.L.197, No.98)

(l) To reimburse for their reasonable expenses of removal, any persons (including families, business concerns and others), who have been displaced as a result of any other Government activities related to the purposes of this act or any activities of the Authority; ((l) amended June 26, 1968, P.L.263, No.125)

(m) To insure or provide for the insurance of any property or operations of the Authority against any risks or hazards;

(n) To procure or agree to the procural of insurance or

guarantees from the State or Federal Government of the payment of any debts or parts thereof incurred by the Authority, and to pay premiums in connection therewith;

(o) To borrow from private lenders or from the State or Federal Government funds, as may be necessary, for the operation and work of the Authority;

(p) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in such investments as may be lawful for executors, administrators, guardians, trustees and other fiduciaries under the laws of this Commonwealth;

(q) To sue and be sued;

(r) To adopt a seal and to alter the same at pleasure;

(s) To have perpetual succession;

(t) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and any contract or instrument when signed by the chairman or vice-chairman of the Authority, or by an authorized use of their facsimile signatures, and by the secretary or assistant secretary, or, treasurer or assistant treasurer of the Authority, or by an authorized use of their facsimile signatures, shall be held to have been properly executed for and on its behalf; ((t) amended June 6, 1963, P.L.79, No.54)

(u) To make and from time to time to amend and repeal by-laws, rules, regulations and resolutions;

(v) To conduct examinations and investigations and to hear testimony and take proof , under oath or affirmation, at public or private hearings, on any matter material for its information;

(w) To authorize any member or members of the Authority to conduct hearings and to administer oaths, take affidavits and issue subpoenas;

(x) To issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing before the Authority, or before one or more members of the Authority appointed by it to conduct such hearing;

(y) To apply to any court having territorial jurisdiction of the offense to have punished for contempt any witness, who refuses to obey a subpoena, or who refuses to be sworn or affirmed, or to testify, or, who is guilty of any contempt after summons to appear;

(z) To make available to the government or municipality or any appropriate agency, board or commission, the recommendations of the Authority affecting any area in its field of operation or property therein, which it may deem likely to promote the public health, morals, safety or welfare; ((z) amended Mar. 30, 1988, P.L.304, No.39)

(aa) To make, directly or indirectly, secured or unsecured loans to any purchaser or owner of a residential housing or a commercial or an industrial project for the purpose of financing the purchase, construction, rehabilitation, demolition or equipping of a residential housing or a commercial and industrial redevelopment program; ((aa) added Mar. 30, 1988, P.L.304, No.39)

(bb) To make loans to or deposits with, at the option of the Authority, without requiring collateral security therefor, any

financial institution, in order to enable that financial institution to finance the acquisition, construction, rehabilitation or equipping of a residential housing or a commercial and industrial redevelopment program. For such purposes, an Authority may make such loans as the Authority may determine; receive interest on such deposits as may be agreed to with the financial institution; purchase and hold notes or other obligations secured by mortgages, deeds of trust or security interests in residential housing, commercial or industrial projects or property used as additional security, notwithstanding anything to the contrary elsewhere contained in this act; sell, assign, pledge or encumber any security, including mortgages or other security agreements, held by or granted to the Authority or received in connection with the financing of residential housing or commercial or industrial projects and grant to any trustee, in addition to any other rights or remedies contained therein or in any documents granting such security, such other rights and remedies as may be approved by the Authority. ((bb) added Mar. 30, 1988, P.L.304, No.39)

Section 10. Preparation and Adoption of Redevelopment Proposal.--

(a) An Authority shall prepare a redevelopment proposal for all or part of any area certified by the planning commission to be a redevelopment area and for which the planning commission has made a redevelopment area plan. ((a) amended June 26, 1968, P.L.263, No.125)

(b) The planning commission's certification of a redevelopment area shall be made in conformance with its comprehensive general plan (which may include, inter alia, a plan of major traffic arteries and terminals and a land use plan and projected population densities) for the territory under its jurisdiction or for any greater area for which the field of operation of the Authority has been extended under clause (e) of section 3 of this act. ((b) amended June 26, 1968, P.L.263, No.125)

(c) The planning commission's redevelopment area plan shall include, without being limited to, the following:

(1) The boundaries of the area, with a map showing the existing uses of the real property therein;

(2) A land use plan of the area showing proposed uses following redevelopment;

(3) Standards of population densities, land coverage and building intensities in the proposed redevelopment;

(4) A preliminary site plan of the area;

(5) A statement of the proposed changes, if any, in zoning ordinances or maps;

(6) A statement of any proposed changes in street layouts, street levels, and proposed traffic regulation, including the separation or excluding of vehicular traffic partially or totally from pedestrian traffic; ((6) amended June 26, 1968, P.L.263, No.125)

(7) A statement of the extent and effect of the rehousing of families which may be made necessary from the redevelopment area plan, and the manner in which such rehousing may be

accomplished;

(8) A statement of the estimated cost of acquisition of the redevelopment area, and of all other costs necessary to prepare the area for redevelopment;

(9) A statement of such continuing controls as may be deemed necessary to effectuate the purposes of this act.

(d) In conformity with such redevelopment area plan, the Authority shall prepare a proposal for the redevelopment of all or part of such area. The Authority may, if it deems it desirable, hold public hearings prior to its final determination of the redevelopment proposal. ((d) amended May 31, 1955, P.L.107, No.33)

(e) The Authority shall submit the redevelopment proposal to the planning commission for review. The planning commission shall, within forty-five days, certify to the governing body its recommendation on the redevelopment proposal, either of approval, rejection or modification, and in the latter event, specify the changes recommended.

(f) Upon receipt of the planning commission's recommendation, or at the expiration of forty-five days, if no recommendation is made by the planning commission, the Authority shall submit to the governing body the redevelopment proposal with the recommendation, if any, of the planning commission thereon.

(g) The governing body upon receipt of the redevelopment proposal and the recommendation, if any, of the planning commission shall hold a public hearing upon said proposal. Notice of the time, place and purpose of such hearing shall be published at least once each week for three consecutive weeks in a newspaper of general circulation in the field of operation of the Authority, the time of the hearing to be at least ten days from the last publication of notice. The notice shall describe that portion of the redevelopment area affected by the proposal by boundaries and by city block, street and house number. The redevelopment proposal with such maps, plans, contracts or other documents as form part of said proposal, together with the recommendation, if any, of the planning commission and supporting data shall be available for public inspection for at least ten days prior to the hearing.

At the hearing the governing body shall afford an opportunity to all persons or agencies interested to be heard and shall receive, make known and consider recommendations in writing with reference to the redevelopment proposal.

((g) amended May 27, 1957, P.L.197, No.98)

(h) The governing body shall approve or reject the redevelopment proposal as submitted. The governing body shall not approve a redevelopment proposal unless it is satisfied that adequate provisions will be made to rehouse displaced families, if any, without undue hardship, or if the municipality in which the project is to be located has filed its objections thereto.

((h) amended May 31, 1955, P.L.107, No.33)

(i) Upon approval by the governing body of the redevelopment proposal, as submitted by the Authority, the Authority is authorized to take such action as may be necessary to carry it out. ((i) amended May 31, 1955, P.L.107, No.33)

(j) The redevelopment proposal may contain the form of the redevelopment contract with the redeveloper selected and upon approval by the governing body of the proposal, as hereinbefore provided, the Authority is authorized to execute the said redevelopment contract. If the proposal does not contain the form of the redevelopment contract with the redeveloper selected, the Authority shall not execute a redevelopment contract with a redeveloper thereafter selected, until the said redevelopment contract shall have been approved by the governing body and found to be in substantial conformity with the proposal theretofore approved by the governing body. No additional public hearing notice or publication shall be required with respect to such approval. ((j) added May 31, 1955, P.L.107, No.33)

Section 11. Provisions of the Redevelopment Contract.--

(a) The contract between the Authority and a redeveloper shall contain, without being limited to, the following provisions:

(1) A legal description of the redevelopment area covered by the contract, and a covenant running with land to the effect that no person shall be deprived of the right to live in the redevelopment project, or to use any of the facilities therein by reason of race, creed, color or national origin, and such other easements, or other rights as are to be reserved therein by the Authority;

(2) Plans and such other documents as may be required to show the type, material, structure and general character of the redevelopment project;

(3) A statement of the use intended for each part of the project;

(4) A guaranty of completion of the redevelopment project within specified time limits, which guaranty shall include provisions for the forfeiture of title, in such form and manner as the Authority may prescribe, in the event that the project is not completed timely;

(4-1) A requirement that every prime contract for construction, installation, alteration, repair of, or addition to, the redevelopment project, where the estimated cost shall exceed \$10,000.00, shall contain a provision obligating the prime contractor to the prompt payment of all material furnished, labor supplied or performed, rental for equipment employed, and services rendered by public utilities in or in connection with the prosecution of the work, whether or not, the said material, labor, equipment and services enter into and become component parts of the work or improvement contemplated. Such provision shall be deemed to be included for the benefit of every person, co-partnership, association or corporation, who as subcontractor, or otherwise, has furnished material, supplied or performed labor, rented equipment, or supplied services in or in connection with the prosecution of the work as aforesaid, and the inclusion thereof in any contract shall preclude the filing by any such person, co-partnership, association or corporation of any mechanics' lien claim for such material, labor or rental of equipment, and further requiring that the redeveloper shall provide to the Authority evidence of financial security for the prompt payment by the prime contractor for materials, supplies,

labor, services and equipment. Such financial security shall equal 100% of the contract amount, shall be in such form as the Authority may prescribe and may include, but not be limited to, any one or a combination of the following:

(i) an appropriate bond from a surety company authorized to do business in this Commonwealth;

(ii) an irrevocable letter of credit from a Federal or Commonwealth-chartered lending institution; or

(iii) a restrictive or escrow account;

(5) A provision that the redeveloper shall be without power to sell, lease or otherwise transfer the redevelopment area, or project, or any part thereof, without the prior written consent of the Authority, until the Authority shall have certified in writing that the redevelopment project has been completed;

(5-1) For all projects in which the estimated construction costs exceed \$1,000,000.00, a requirement that the redeveloper shall provide to the Authority, and shall cause each prime contractor to provide or submit to, a project cost certification performed by one or more independent, third-party certified public accountants establishing the actual total construction costs incurred and paid by the redeveloper and each prime contractor in connection with the redevelopment project. The receipt of the construction cost certification shall be a condition for receiving a certificate of completion;

(6) The amount of the consideration to be paid by the redeveloper to the Authority;

(7) Adequate safeguards for proper maintenance of all parts of the project;

(8) Prohibition against discrimination in the use, sale or lease of any part of the project against any person because of race, color, religion or national origin;

(9) Such other continuing controls as may be deemed necessary to effectuate the purposes of this act;

(b) Any deed or lease to a redeveloper in furtherance of a redevelopment contract shall be executed in the name of the Authority, by its proper officers, and shall contain in addition to all other provisions, such provisions as the Authority may deem desirable to run with the land in order to effectuate the purposes of this act;

(c) Any lease to a redeveloper may provide that all improvements shall become the property of the Authority. The execution of such a lease shall not in itself impose upon the Authority any liability for or by reason of the financing, construction, management or operation of any redevelopment project.

(11 amended Jan. 12, 2004, P.L.1, No.1)

Compiler's Note: Section 4 of Act 113 of 2002, which amended section 11, provided that the amendment of section 11 shall apply to contracts entered into after the effective date of Act 113.

Section 11.1. Preparation and Provisions of a Residential Housing Redevelopment Program and Commercial and Industrial Redevelopment Program.--

(a) The Authority may develop a Residential Housing

Redevelopment Program or a Commercial and Industrial Redevelopment Program for all or part of its field of operation.

(b) The Authority shall submit the redevelopment program to the planning commission for review and approval.

(c) The planning commission, within forty-five days, shall either approve, reject or modify the program as satisfying the public purpose of this act. If the planning commission takes no action within forty-five days, the program shall be deemed approved on the forty-sixth day.

(d) Upon approval by the planning commission, or at the expiration of forty-five days, if no recommendation is made by the planning commission, the Authority is authorized to take such action as may be necessary to carry out the redevelopment program.

(11.1 added Mar. 30, 1988, P.L.304, No.39)

Section 12. Eminent Domain.--Title to any property acquired by an Authority through eminent domain shall be an absolute or fee simple title, unless a lesser title shall be designated in the eminent domain proceedings. The Authority may exercise the right of eminent domain in the manner provided by law for the exercise of such right by cities or counties, as the case may be, of the same class as the city or county in which such Authority is organized to operate. If any of the real property in the redevelopment area which is to be acquired has, prior to such acquisition, been devoted to another public use, it may, nevertheless, be acquired by condemnation: Provided, That no real property belonging to a city, county or to the Commonwealth may be acquired without its consent. No real property belonging to a public utility corporation may be acquired without the approval of the Public Utility Commission.

Section 12.1. Blighted Property Removal.--

(a) Notwithstanding any other provision of this act, any Redevelopment Authority shall have the power to acquire by purchase, gift, bequest, eminent domain or otherwise, any blighted property as defined in this section, either within or outside of a certified redevelopment area and, further, shall have the power to hold, clear, manage and/or dispose of said property for residential and related reuse and commercial or industrial reuse. This power shall be exercised in accord with the procedures set forth in this section.

(b) Such power on the part of any Redevelopment Authority shall be conditioned upon the creation or existence of a blighted property review committee by ordinance of the governing body of the municipality. The committee shall be made up of members as determined in the said ordinance, but shall include at least one member of the governing body, a representative of the Redevelopment Authority, a representative of the appropriate planning commission, and a representative to be designated by the chief executive officer or officers from the executive branch of the government of the municipality.

(c) Blighted property shall include:

(1) Any premises which because of physical condition or use is regarded as a public nuisance at common law or has been declared a public nuisance in accordance with the local housing, building, plumbing, fire and related codes.

(2) Any premises which because of physical condition, use or occupancy is considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.

(3) Any dwelling which because it is dilapidated, unsanitary, unsafe, vermin-infested or lacking in the facilities and equipment required by the housing code of the municipality, has been designated by the department responsible for enforcement of the code as unfit for human habitation.

(4) Any structure which is a fire hazard, or is otherwise dangerous to the safety of persons or property.

(5) Any structure from which the utilities, plumbing, heating, sewerage or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

(6) Any vacant or unimproved lot or parcel of ground in a predominantly built-up-neighborhood, which by reason of neglect or lack of maintenance has become a place for accumulation of trash and debris, or a haven for rodents or other vermin.

(7) Any unoccupied property which has been tax delinquent for a period of two years prior to the effective date of this act, and those in the future having a two year tax delinquency.

(8) Any property which is vacant but not tax delinquent, which has not been rehabilitated within one year of the receipt of notice to rehabilitate from the appropriate code enforcement agency.

(9) Any abandoned property. A property shall be considered abandoned if:

(i) it is a vacant or unimproved lot or parcel of ground on which a municipal lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months;

(ii) it is a vacant property or vacant or unimproved lot or parcel of ground on which the total of municipal liens on the property for tax or any other type of claim of the municipality are in excess of 150% of the fair market value of the property as established by the Board of Revisions of Taxes or other body with legal authority to determine the taxable value of the property; or

(iii) the property has been declared abandoned by the owner, including an estate that is in possession of the property.

(d) Residential and related use shall include residential property for sale or rental and related uses, including, but not limited to, park and recreation areas, neighborhood community service, and neighborhood parking lots.

(e) The blighted property review committee and the appropriate planning commission, upon making a determination that any property is blighted within the terms of this section, must certify said blighted property to the Redevelopment Authority, except that:

(1) No property shall be certified to the Redevelopment Authority unless it is vacant. A property shall be considered vacant if:

(i) the property is unoccupied or its occupancy has not been authorized by the owner of the property;

(ii) in the case of an unimproved lot or parcel of ground, a lien for the cost of demolition of any structure located on the property remains unpaid for a period of six months; or

(iii) in the case of an unimproved lot or parcel of ground, the property has remained in violation of any provision of local building, property maintenance or related codes applicable to such lots or parcels, including licensing requirements, for a period of six months.

(2) No property shall be certified to the Redevelopment Authority unless the owner of the property or an agent designated by him for receipt of service of notices within the municipality has been served with notice of the determination that the property is blighted, together with an appropriate order to eliminate the conditions causing the blight and notification that failure to do so may render the property subject to condemnation under this act. The notice shall be served upon the owner or his agent in accord with the provisions of a local ordinance pertaining to service of notice of determination of a public nuisance. The owner or his agent shall have the right of appeal from the determination in the same manner as an appeal from the determination of public nuisance.

(3) No blighted property shall be certified to the Redevelopment Authority until the time period for appeal has expired and no appeal has been taken, or, if taken, the appeal has been disposed of, and the owner or his agent has failed to comply with the order of the responsible department or other officer or agency.

(f) Acquisition and disposition of blighted property under this section shall not require preparation, adoption or approval of a redevelopment area plan or redevelopment proposal as set forth in section 10, but at least thirty days prior to acquisition of any property under this section, the Redevelopment Authority shall transmit identification of the property to the planning commission of the municipality and shall request a recommendation as to the appropriate reuse of the property. The Redevelopment Authority shall not acquire the property where the planning commission certifies that disposition for residential or related use would not be in accord with the comprehensive plan of the municipality.

(g) Power of eminent domain shall be exercised pursuant to a resolution of the Redevelopment Authority and the procedure set forth in the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," as amended.

(h) Property disposed of within a redevelopment area shall be disposed of under a redevelopment contract in accordance with the provisions of this act.

Property disposed of outside an urban renewal project area shall be disposed of by deed in accordance with the provisions set forth in applicable law.

(12.1 amended Oct. 2, 2002, P.L.796, No.113)

Section 13. Bonds of an Authority.--An Authority shall have power to issue bonds for any of its corporate purposes, the principal and interest of which are payable from its revenues generally. Any of such bonds may be secured by a pledge of any revenues, including grants or contributions from the Federal or

State Government, or any agency, and instrumentality thereof, or by a mortgage of any property of the Authority.

The bonds issued by an Authority are hereby declared to have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

The bonds of an Authority created under the provisions of this act and the income therefrom shall at all times be free from taxation for State or local purposes under any law of this Commonwealth.

Neither the members of an Authority nor any person executing the bonds shall be liable personally on any such bonds by reason of the issuance thereof. Such bonds or other obligations of an Authority shall not be a debt of any municipality or of the Commonwealth, and shall so state on their face, nor shall any municipality or the Commonwealth nor any revenues or any property of any municipality or of the Commonwealth be liable therefor.

Section 13.1. Term Bonds.--(13.1 repealed Mar. 30, 1988, P.L.304, No.39)

Section 14. Form and Sale of Bonds.--The bonds of an Authority shall be authorized by its resolution; shall be issued in one or more series; and shall bear such date, mature at such time, and bear interest at such rate as shall be determined by the Authority as necessary to issue and sell such bonds, payable semi-annually, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place, and be subject to such terms of redemption and carry such registration privileges as may be provided in such resolution, or in any trust, indenture or mortgage properly made in pursuance thereof.

The bonds of an Authority may be sold at public or private sale at not less than par and accrued interest. In case any of the officers of an Authority whose signatures appear on any bonds or coupons shall cease to be officers before the delivery of such bonds their signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery.

The Authority shall have the power out of any funds available therefor to purchase any bonds issued by it at a price not more than the par value thereof plus accrued interest. All bonds so purchased shall be cancelled. This paragraph shall not apply to the redemption of bonds.

Any bond reciting in substance that it has been issued by an Authority to accomplish the public purposes of this act shall be conclusively deemed in any suit, action or proceeding involving the validity or enforceability of such bond or security therefor to have been issued for such purpose.

(14 amended Mar. 30, 1988, P.L.304, No.39)

Section 15. Provisions of Bonds, Trust, Indentures and Mortgages.--In connection with the issuance of bonds or the incurring of obligations under leases, and in order to secure the payment of such bonds or obligations, an Authority in addition to its other powers shall have power:

(a) To pledge all or any part of its gross or net revenues

to which its right then exists or may thereafter come into existence;

(b) To mortgage all or any part of its real or personal property then owned or thereafter acquired;

(c) To covenant against pledging all or any part of its revenues, or, against mortgaging all or any part of its real or personal property to which its right or title exists or may thereafter come into existence, or against permitting or suffering any lien on such revenues or property to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any of its real property, and to covenant as to what other or additional debts or obligations may be incurred by it;

(d) To covenant as to the bonds to be issued and as to the issuance of such bonds, in escrow, or otherwise, and as to the use and disposition of the proceeds thereof, to provide for the replacement of lost, destroyed or mutilated bonds, to covenant against extending the time for the payment of its bonds or interest thereon, and to redeem the bonds, and to covenant for their redemption, and to provide the terms and conditions thereof;

(e) To covenant, subject to the limitations contained in this act, as to the amount of revenues to be raised each year, or other period of time, as well as to the use and disposition to be made thereof, to create or to authorize the creation of special funds for debt, service or other purposes, and to covenant as to the use and disposition of the moneys held in such funds;

(f) To prescribe the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given;

(g) To covenant as to the use of any or all of its real or personal property, to warrant its title, and to covenant as to the maintenance of its real and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys;

(h) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation, and to covenant and prescribe, in the event of default, as to terms and conditions upon which any or all of its bonds or obligations shall become or may be declared due before maturity, and as to the terms and conditions upon which such declaration and its consequences may be waived;

(i) To vest in a trustee, or the holders of bonds, or any proportion of them, the right to enforce the payment of the bonds or any covenants securing or relating to the bonds, to vest in a trustee the right, in the event of a default by the Authority, to take possession and use, operate and manage any real property and to collect the rents and revenues arising therefrom and to dispose of such moneys in accordance with the agreement of the Authority with said trustee, to provide for the powers and duties of a trustee and to limit liabilities thereof, and, to provide the terms and conditions upon which the trustee or the holders of bonds or any proportion of them may enforce any covenant or rights securing or relating to the bonds;

(j) To exercise all or any part or combination of the powers herein granted, to make covenants other than and in addition to the covenants herein expressly authorized, to make such covenants and to do any and all such acts and things as may be necessary or convenient or desirable in order to secure its bonds, or in the absolute discretion of the Authority, as will tend to accomplish the purposes of this act, by making the bonds more marketable notwithstanding that such covenants, acts or things may not be enumerated herein.

Section 16. Remedies of an Obligee of Authority.--An obligee of an Authority shall have the right, in addition to all other rights which may be conferred on such obligee, subject only to any contractual restrictions binding upon such obligee:

(a) By mandamus, suit, action or proceeding at law or in equity to compel the Authority and the members, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any contract of the Authority with or for the benefit of such obligee, and to require the carrying out of any or all such covenants and agreements of the Authority, and the fulfillment of all duties imposed upon the Authority by this act;

(b) By proceeding in equity to obtain an injunction against any acts or things which may be unlawful, or the violation of any of the rights of such obligee of the Authority.

Section 17. Additional Remedies Conferable by Authority.--An Authority shall have power by its resolution, trust, indenture, mortgage, lease or other contract to confer upon any obligees holding or representing a specified percentage in bonds, or holding a lease, the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in such resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction.--

(a) To obtain the appointment of a receiver of any real property of the Authority and of the rents and profits therefrom. If such receiver be appointed, he may enter and take possession of such real property, operate the same and collect and receive all revenues or other income thereafter arising therefrom, and shall keep such moneys in a separate account and apply the same in accordance with the obligations of the Authority as the court shall direct;

(b) To require the Authority, and the members thereof, to account as if it and they were the trustees of an express trust.

Section 18. Aid from Government.--In addition to the powers conferred upon an Authority by other provisions of this act, an Authority is empowered to borrow money or accept grants or other financial assistance from the Government, for or in aid of any of its operations. It is the purpose and intent of this act to authorize every Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Government in any of its operations.

(18 amended June 26, 1968, P.L.263, No.125)

Section 19. Records and Reports.--

(a) The books and records of an Authority shall at all times be open and subject to inspection by the Department of Community Affairs;

(b) An Authority may file with the Department of Community Affairs such information and reports as it may from time to time deem desirable, and shall file with them;

(1) A copy of all by-laws and rules and regulations and amendments thereto, adopted by it, from time to time.

(2) Copies of all redevelopment proposals and redevelopment contracts, as well as of any changes, which may be made therein.

(3) At least once each year a report of its activities for the preceding year, and such other reports as said department may require. Copies of such reports shall be filed with the mayor and governing body of the city or with the county board of commissioners, as the case may be.

(19 amended June 26, 1968, P.L.263, No.125)

Section 19.1. Notice to Displaced Persons.--

(a) A redevelopment authority in a city of the first class intending to alter or demolish property in furtherance of authority projects or programs shall give timely notice to all occupants required by such alteration or demolition to vacate the property.

(b) Notice shall be given at the earliest practicable time prior to the dislocation of persons affected, but no later than 30 days prior to the commencement of the alteration or demolition of the property.

(c) The form of notice shall include, but not be limited to, posters or other graphic materials of sufficient size and design as will reasonably draw attention and which will reasonably inform the occupants of the property of the impending alteration or demolition and the date by which the occupants must vacate the property. Posters or other graphic materials shall be posted on and about the property in sufficient numbers as to reasonably draw the attention of all occupants of the property.

(d) This section shall not be construed to relieve any authority of any duty to occupants of property as provided by law or regulation, including, but not limited to, the relocation assistance provisions of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," and regulations promulgated thereunder.

(19.1 added Apr. 18, 1978, P.L.39, No.21)

Section 19.2. Statute of Limitations.--

Notwithstanding the provisions of 42 Pa.C.S. § 5526(4) (relating to five year limitation) or any other provision of law to the contrary, a proceeding to challenge just compensation or other damages if a redevelopment authority has exercised powers of condemnation pursuant to this act and made payment in accordance with section 407(a) or (b) of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," is subject to a one-year statute of limitations.

(19.2 added Oct. 2, 2002, P.L.796, No.113)

Section 20. Effective Date.--This act shall become effective immediately upon final enactment.

Microfilm Number _____

Filed with the Department of State on NOV 05 1993

Entity Number 2553472


Secretary of the Commonwealth

ARTICLES OF INCORPORATION-DOMESTIC NONPROFIT CORPORATION

DSCB:15-5306 (Rev 90)

In compliance with the requirements of 15 Pa.C.S. § 5306 (relating to articles of incorporation), the undersigned, desiring to incorporate a nonprofit corporation, hereby state(s) that:

1. The name of the corporation is: SOMERSET, INC.

2. The (a) address of this corporation's initial registered office in this Commonwealth or (b) name of its commercial registered office provider and the county of venue is:

(a)	<u>340 WEST UNION ST.</u>	<u>SOMERSET,</u>	<u>PA</u>	<u>15501</u>	<u>SOMERSET</u>
	Number and Street	City	State	Zip	County

(b) c/o: _____
Name of Commercial Registered Office Provider _____ County _____

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The corporation is incorporated under the Nonprofit Corporation Law of 1988 for the following purpose or purposes:
****SEE BELOW****

4. The corporation does not contemplate pecuniary gain or profit, incidental or otherwise.

5. The corporation is organized upon a nonstock basis.

6. (Strike out if inapplicable): The corporation shall have no members.

7. (Strike out if inapplicable): The incorporators constitute a majority of the members of the committee authorized to incorporate: _____
by the requisite vote required by the organic law of the association for the amendment of such organic law.

8. The name and address, including street and number, if any, of each incorporator is:

Name	Address
<u>BENEDICT G. VINZANI, JR.</u>	<u>340 WEST UNION ST. SOMERSET, PA 15501</u>

9. The specified effective date, if any, is: NOVEMBER 5, 1993
month day year hour, if any

10. Additional provisions of the articles, if any, attach an 8 1/2 x 11 sheet.

****TO APPLY FOR AND RECEIVE GRANTS AND FUNDS TO BE USED FOR THE REDEMPTION OF CERTAIN PORTIONS OF SOMERSET BOROUGH****

93 NOV 10 AM 10:32
PA DEPT. OF STATE
PA DEPT. OF STATE

IN TESTIMONY WHEREOF, the incorporator(s) has (have) signed these Articles of Incorporation this 5th day
of NOVEMBER, 19 93.

Barry W. Ryan
(Signature)

(Signature)

(Signature)

93 NOV -5 PM 4: 21

PA DEPT. OF STATE

Microfilm Number _____

Filed with the Department of State on JAN 11 1995

Entity Number 2553472

Robert M. Schmitt

Secretary of the Commonwealth

ARTICLES OF AMENDMENT - DOMESTIC NONPROFIT CORPORATION

DSCB:15-5915 (Rev 89)

In compliance with the requirements of 15 Pa. C.S. § 5915 (relating to articles of amendment), the undersigned nonprofit corporation, desiring to amend its articles, hereby states that:

1. The name of the corporation is: Somerset, Inc.

2. The (a) address of this corporation's current registered office in this Commonwealth or (b) commercial registered office provider and the county of venue is (the Department is hereby authorized to correct the following address to conform to the records of the Department):

(a) 340 West Union Street, Somerset, Pennsylvania 15501 Somerset
Number and Street City State Zip County

(b) _____
Name of Commercial Registered Office Provider County

For a corporation represented by a commercial registered office provider, the county in (b) shall be deemed the county in which the corporation is located for venue and official publication purposes.

3. The statute by or under which it was incorporated is: Nonprofit Corporation Law of 1988

4. The date of its incorporation is: November 5, 1993

5. (Check, and if appropriate complete, one of the following):

☒ The amendment shall be effective upon filing these Articles of Amendment in the Department of State.

☐ The amendment shall be effective on: _____

6. (Check one of the following):

☐ The amendment was adopted by the members pursuant to 15 Pa. C.S. § 5914(a).

☒ The amendment was adopted by the board of directors pursuant to 15 Pa. C.S. § 5914(b).

7. (Check, and if appropriate complete, one of the following):

☐ The amendment adopted by the corporation, set forth in full, is as follows:

☒ The amendment adopted by the corporation as set forth in full in Exhibit A, attached hereto and made a part hereof.

JAN 11 95

PA Dept. of State

702-109
DSCB:15-5915 (Rev 89)-2

8. (Check if the amendment restates the articles):

 The restated articles of incorporation supersede the original articles and all amendments thereto.

IN TESTIMONY WHEREOF, the undersigned corporation has caused these articles of amendment to be signed by a duly authorized officer thereof this day of January, 19 95.

SOMERSET, INC.

(Name of Corporation)

BY:

G. Henry Cook

(Signature)

TITLE:

President

92-1094

AMENDMENT OF ARTICLES OF INCORPORATION
SOMERSET, INC.

The following four (4) paragraphs are hereby added to the original Articles of Incorporation of Somerset, Inc.:

10. (a) Somerset, Inc. is organized exclusively for charitable, religious, educational and scientific purposes, including, for such purposes, the making of distribution to organizations under Section 501(c)(3) of the Internal Revenue Code (or the corresponding section of any future Federal tax code.)

10. (b) No part of the net earnings of Somerset, Inc. shall inure to the benefit of, or be distributable to its members, trustees, directors, officers or other private persons, except that Somerset, Inc. shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of Section 501(c)(3) purposes. No substantial part of the activities of Somerset, Inc. shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and Somerset, Inc. shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of, or in opposition to, any candidate for public office.

10. (c) Notwithstanding any other provision of these articles, Somerset, Inc. shall not carry on any other activities not permitted to be carried on (a) by a corporation/organization exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code (or corresponding section of any future Federal tax code) or (b) by a corporation/organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code (or corresponding section of any future Federal tax code).

10. (d) Upon the dissolution of Somerset, Inc., assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future Federal tax code, or shall be distributed to the Federal government, or to a state or local government, for a public purpose.

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
31 HOPKINS PLAZA
BALTIMORE, MD 21201

DEPARTMENT OF THE TREASURY

Date: FEB 21 1995

SOMERSET INC
PO BOX 876
SOMERSET, PA 15501

Employer Identification Number:
25-1721501
Case Number:
525048006
Contact Person:
MRS K FENTON
Contact Telephone Number:
(410) 962-4779
Accounting Period Ending:
July 31
Foundation Status Classification:
509(a)(1)
Advance Ruling Period Begins:
November 5, 1993
Advance Ruling Period Ends:
July 31, 1998
Addendum Applies:
Yes

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we

Letter 1045 (DO/CG)

SOMERSET INC

will no longer treat you as a publicly supported organization, grantors and contributors may not rely on this determination after the date we publish the notice. In addition, if you lose your status as a publicly supported organization, and a grantor or contributor was responsible for, or was aware of, the act or failure to act, that resulted in your loss of such status, that person may not rely on this determination from the date of the act or failure to act. Also, if a grantor or contributor learned that we had given notice that you would be removed from classification as a publicly supported organization, then that person may not rely on this determination as of the date he or she acquired such knowledge.

If you change your sources of support, your purposes, character, or method of operation, please let us know so we can consider the effect of the change on your exempt status and foundation status. If you amend your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, let us know all changes in your name or address.

As of January 1, 1984, you are liable for social security taxes under the Federal Insurance Contributions Act on amounts of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the private foundation excise taxes under Chapter 42 of the Internal Revenue Code. However, you are not automatically exempt from other federal excise taxes. If you have any questions about excise, employment, or other federal taxes, please let us know.

Donors may deduct contributions to you as provided in section 170 of the Internal Revenue Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Donors may deduct contributions to you only to the extent that their contributions are gifts, with no consideration received. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as deductible contributions, depending on the circumstances. Revenue Ruling 67-246, published in Cumulative Bulletin 1967-2, on page 104, gives guidelines regarding when taxpayers may deduct payments for admission to, or other participation in, fundraising activities for charity.

You are not required to file Form 990, Return of Organization Exempt From Income Tax, if your gross receipts each year are normally \$25,000 or less. If you receive a Form 990 package in the mail, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If you are required to file a return you must file it by the 15th day of the fifth month after the end of your annual accounting period. We charge a penalty of \$10 a day when a return is filed late, unless there is reasonable

SOMERSET INC

cause for the delay. However, the maximum penalty we charge cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. We may also charge this penalty if a return is not complete. So, please be sure your return is complete before you file it.

You are not required to file federal income tax returns unless you are subject to the tax on unrelated business income under section 511 of the Code. If you are subject to this tax, you must file an income tax return on Form 990-T, Exempt Organization Business Income Tax Return. In this letter we are not determining whether any of your present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

You need an employer identification number even if you have no employees. If an employer identification number was not entered on your application, we will assign a number to you and advise you of it. Please use that number on all returns you file and in all correspondence with the Internal Revenue Service.

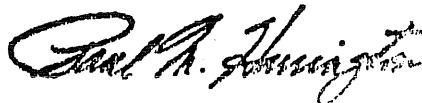
If we said in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Because this letter could help us resolve any questions about your exempt status and foundation status, you should keep it in your permanent records.

We have sent a copy of this letter to your representative as indicated in your power of attorney.

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely yours,



District Director

Enclosure(s):
Addendum
Form 872-C
State Attorney General (PA)



Somerset, Inc. • PO Box 876 • Somerset, PA 15501 • (814) 443-1748 •
info@somersetinc.org

Regina E. Coughenour
Executive Director

*Joshua E. Boland
Executive Director
Somerset County Economic Development Council
125 N. Center Avenue
Somerset, PA 15501*

Dear Joshua,

Somerset, Inc. is excited to partner and support this application for the Community-Wide Assessment Grant through the Somerset County Economic Development Council. Somerset, Inc. is committed to assisting in the execution of this grant where it pertains to properties within Somerset Borough. As a small, rural community with a low-income census tract in the center of its downtown, recovering properties that are unusable is crucial in reversing the downward trajectory of our economy. We are enthusiastic about the opportunity to help resurrect these spaces in a sustainable way.

Please know that Somerset, Inc. is an exempt organization as described in Section 501(c)(3) of the Internal Revenue Code; EIN 25-1721501.

We thank you for your consideration of this project.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Reg Coughenour'.

Regina Coughenour
Executive Director



Borough of Somerset

Incorporated 1804

A Council – Manager Form of Government

P.O. Box 71, 347 West Union Street, Somerset PA 15501-0071

Office: (814) 443-2661 • Fax: (814) 445-3881

www.somersetborough.com



October 12, 2020

Joshua E. Boland
Executive Director
Somerset County Economic Development Council
125 North Center Avenue
Somerset, PA. 15501

Dear Joshua:

The Borough of Somerset is pleased to partner in this Coalition with the Redevelopment Authority of Somerset County, Somerset Inc, our Main Street Community and the Somerset County Economic Development Council ("SCEDC"). We appreciate you taking the lead in seeking funding under the U.S. Environmental Protection Agency's Community-Wide Assessment Grant. Somerset Borough designates SCEDC as its agent for any and all duties under this application for funding and for the future grant award from the U.S. Environmental Protection Agency.

Somerset Borough will assist SCEDC with identifying potential sites suitable for the Assessment Grant Program. We will also assist with reuse planning issues and permitting and public approvals for those projects in our Borough. We thank you for undertaking this brownfield redevelopment initiative.

Respectfully,

BOROUGH OF SOMERSET

Michele A. Enos
Borough Manager



*Improving Somerset County
communities, one project at a time*

www.somersetredevelopment.org

October 22, 2020

Joshua E. Boland
Executive Director
Somerset County Economic Development Council
125 North Center Avenue
Somerset, PA 15501

Dear Mr. Boland:

The Redevelopment Authority of Somerset County confirms its membership in the Coalition sponsored by the Somerset County Economic Development Council (SCEDC) in connection with the U.S. Environmental Protection Agency's Community-Wide Assessment Grant.

The Authority hereby designates the SCEDC as its agent for any and all duties under this application for funding and for the future grant award from the U.S. Environmental Protection Agency.

The Authority will assist the SCEDC with identifying potential sites suitable for the Assessment Grant Program, as well in reuse planning, securing permits and various other aspects related to the scope of work as proposed in the application.

On behalf of the Authority, I thank you for taking the lead on this application and look forward to partnering with the SCEDC, Somerset, Inc. and the Borough of Somerset as we collectively work toward putting these sites back into productive reuse.

Sincerely,

A handwritten signature in blue ink, reading "Steven R. Spochart". The signature is fluid and cursive, with the first name "Steven" being the most prominent.

Steven R. Spochart
Executive Director

300 N. Center Avenue, Suite 520, Somerset, PA 15501
(814) 443-2780 (814) 445-4570 Fax 1-800-847-1878



COMMONWEALTH OF PENNSYLVANIA
THE PENNSYLVANIA INDUSTRIAL DEVELOPMENT AUTHORITY

August 14, 2020

Joshua Boland, Executive Director
Somerset County Economic Development Council
125 North Center Avenue
Somerset, Pennsylvania 15501

Re: PIDA Yearly Performance Rating Score

Dear Mr. Boland:

Enclosed with this letter is information related to your organization's PIDA yearly performance rating score for Fiscal Year 2019-20. The overall yearly performance score is derived by adding together the CEDO's yearly loan application performance score and yearly portfolio management score. During the period under review, your organization's yearly loan application score was 50 and the yearly portfolio management score was 50, which equates to an overall score of 100.

Additionally, if a CEDO's overall performance score is between 70 – 100, the CEDO is eligible to receive a performance incentive payment. The incentive payment is based on the amount of interest received on the CEDO's PIDA loan portfolio. For a PIDA loan to qualify, the loan must have closed after June 30, 2015 and be less than 60 days delinquent with payments as of the end of the Fiscal Year under review. Sections XIII and XIV of the Certification of Economic Development Organizations Guidelines, which can be accessed at www.dced.pa.gov/cedo, outline the performance rating and incentive payment criteria in detail.

Included with this letter is a copy of your organization's 1) Loan application performance rating sheets and 2) Portfolio management performance rating sheets for the Fiscal Year under review. The scores outlined on the rating sheets were used to determine your organization's overall yearly score. Also, for CEDO's receiving a performance score between 70-100, included with this package is 1) A report outlining the loans in your PIDA portfolio that qualified for interest sharing and the amount of interest shared for each qualifying loan as well as 2) The performance incentive check.

If you have any questions about your organization's annual performance score or the scoring process, please do not hesitate to contact me. PIDA appreciates your organization's partnership and commitment to ensuring businesses seeking financing through PIDA receive the best service possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared A. Lucas".

Jared A. Lucas
Executive Director

AP/JL
Project File

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

10/23/2020

4. Applicant Identifier:

SCEDC

5a. Federal Entity Identifier:

256010909

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

Pennsylvania

8. APPLICANT INFORMATION:

* a. Legal Name: Somerset County Economic Development Council

* b. Employer/Taxpayer Identification Number (EIN/TIN):

(b) (6)

* c. Organizational DUNS:

0704485680000

d. Address:

* Street1: P.O. Box #48 / 125 N Center Ave

Street2:

* City: Somerset

County/Parish:

Pennsylvania

* State: PA: Pennsylvania

Province:

* Country: USA: UNITED STATES

* Zip / Postal Code: 15501-0048

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: * First Name: Joshua

Middle Name:

E

* Last Name: Boland

Suffix:

Title:

Organizational Affiliation:

Somerset County Economic Development Council

* Telephone Number: 8144459655

Fax Number:

* Email: jboland@scedc.net

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

D: Special District Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-20-06

* Title:

FY21 GUIDELINES FOR BROWNFIELD ASSESSMENT GRANTS

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Somerset County Community-Wide Coalition Assessment Grant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant

12

* b. Program/Project

EPA

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

10/01/2021

* b. End Date:

09/30/2024

18. Estimated Funding (\$):

* a. Federal

600,000.00

* b. Applicant

0.00

* c. State

0.00

* d. Local

0.00

* e. Other

0.00

* f. Program Income

0.00

* g. TOTAL

600,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**☐ a. This application was made available to the State under the Executive Order 12372 Process for review on☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.☒ c. Program is not covered by E.O. 12372.*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix:

Mr.

* First Name:

Joshua

Middle Name:

E

* Last Name:

Boland

Suffix:

* Title:

Executive Director

* Telephone Number:

8144459655

Fax Number:

* Email:

jboland@scedc.net

* Signature of Authorized Representative:

Joshua E Boland

* Date Signed:

10/23/2020